

WISCONSIN RIVER RAIL TRANSIT COMMISSION

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

SUBJECT: Friday, October 7, 2016 Meeting Agenda
TO: Wisconsin River Rail Transit Commissioners & Other Interested Persons
FROM: Mary Penn, WRRTC Administrator

Wisconsin River Rail Transit Commission

Meeting Friday, October 7th, 2016 @ 10 AM

Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, 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, October 7th, 2016 @ 10 AM

Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, 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 September 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** – Jim Matzinger, Accountant
 - Treasurer’s Report for September and Payment of Bills
- 10 minutes estimated | Discussion & Possible Action*
9. **Discussion and Possible Action on entering into contract for buoy placement for Sauk City Railroad Bridge** – Alan Sweeney, WRRTC Chair
- 10 minutes estimated | Update*
10. **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*
11. **WisDOT Report** – Kim Tollers, Rich Kedzior, WisDOT
- 10 minutes estimated | Update*
12. **WRRTC Correspondence/Communications and Administrator’s Report** – Mary Penn, Admin.
- 45 minutes estimated | Presentation, Discussion & Possible Action*
13. **Presentation, Discussion, and Possible Action on WSOR’s 2015 & 2016 Maintenance Program and 5-Year Capital Plan** – WSOR
- 10 minutes estimated | Discussion & Possible Action*
14. **Discussion and Possible Action on Letter to Governor regarding FRPP funding for 2017/2019 Biennial Budget** –WSOR
- 10 minutes estimated | Discussion & Possible Action*
15. **Discussion and Possible Action on amendment to Grant Agreement 0490-40-48(d)** –Eileen Brownlee, Corp Counsel
- 10 minutes estimated | Discussion & Possible Action*
16. **Discussion and Possible Action on amendment to Land Use Agreement 0490-40-48(d)(1)** –Eileen Brownlee, Corp Counsel
- 10 minutes estimated | Discussion & Possible Action*
17. **Discussion and Possible Action on amendment to Operating Agreement 0490-40-48(d)** –Eileen Brownlee, Corp Counsel

10 minutes estimated | Discussion & Possible Action

- 18. Discussion and Possible Action on salvaging track on proposed Great Sauk Trail – Eileen Brownlee, Corp Counsel, Kim Tollers, Dave Simon, WisDOT, Ken Lucht, WSOR**

10 minutes estimated | Discussion & Possible Action

- 19. Discussion and Possible Action on draft funding contract with Sauk County for track removal and determination of division of salvage proceeds – Eileen Brownlee, Corp Counsel**

5 minutes estimated | Discussion & Possible Action

- 20. Discussion and Possible Action on removing brush and survey marking of the rail/trail right-of-way – Marty Krueger, Sauk County Commissioner**

- 21. Action Item. Adjournment**

WISCONSIN RIVER RAIL TRANSIT COMMISSION
 COMMISSION MEETING - FRIDAY, AUGUST 5TH, 2016 @ 10AM
 BLUE SPOON CAFÉ, 550 WATER STREET, PRAIRIE DU SAC, WI

1. 10: 05 AM **Call to Order** – Alan Sweeney, Chair

Alan Sweeney asked Marty Krueger to speak. Krueger welcomed everyone to Sauk County and Prairie du Sac, expressing his appreciation of everyone’s willingness to come. He also thanked the community for hosting. He then introduced Alan Wildman, Village Administrator, who welcomed everyone to the meeting and the community.

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

Crawford	Tom Cornford, <i>2nd Vice Chair</i>	x	Rock	Ben Coopman, Alternate	-
	Rocky Rocksford	x		Wayne Gustina	excused
	Derek Flansburgh	excused		Alan Sweeney, <i>Chair</i>	x
Dane	Gene Gray, <i>Treasurer</i>	excused	Sauk	Terry Thomas	x
	Jim Flemming	absent		Marty Krueger, Alternate	x
	Chris James, <i>Vice Secretary</i>	x		Chuck Spencer	x
Grant	Gary Ranum	x	Walworth	Carol Held	absent
	Mike Lieurance	excused		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	excused		Allan Polyock	excused
	Jack Demby	x		Karl Nilson, <i>4th Vice Chair</i>	excused
Jefferson	John David	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:

<ul style="list-style-type: none"> • Mary Penn, WRRTC Administrator • Ken Lucht, Roger Schaalma, WSOR • Pete Schierloh, SW Bridge Engineers • Jeff Seering, Reedsburg Independent • Kim Lamoreaux, Sauk Prairie Eagle • Robert Ristow, Baraboo Citizen 	<ul style="list-style-type: none"> • Rich Kedzior, Dave Simon, WisDOT • Eileen Brownlee, Corp. Counsel • Alan Wildman, Village of Prairie du Sac • Sam Landes, Assoc. of Wis. Snowmobile Clubs • Brian Simmert, Sauk County
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3. Action Item. **Certification of Meeting’s Public Notice** – Noticed by Penn
 • Motion to approve posting of meeting – Cornford/Mace, Passed Unanimously

4. Action Item. **Approval of August Agenda** – Prepared by Penn
 • Motion to approve amended August agenda – Kuhnke/Ranum, Passed Unanimously

Sweeney said he would combine items 13 through 17 with Dave Simon’s approval as they were all interrelated.

5. Action Item. **Approval of draft July 2016 Meeting Minutes**– Prepared by Penn
 • Motion to approve draft July 2016 meeting minutes with minor corrections – Mace/Tietz, 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
 There were no announcements by Commissioners.

REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report – Gene Gray, Treasurer

Dave Riek presented the Treasurer’s Report to the Commission. He noted that the assets equaled liabilities and said there was a negative cash balance as of the Report’s publication date due to the need for reimbursement from WSOR for Illinois taxes. He said accounts receivable showed \$53,751.76, so when WSOR was billed and reimbursed the Commission, that would correct the negative cash showing. He said the property taxes were not due until September so the bill would be reimbursed this month.

- *Motion to approve Treasurer’s Report and payment of bills contingent upon sufficient funds – Anderson/Scallon, Passed Unanimously*

Gary Ranum asked who carried the negative balance. Riek said the checks had not yet been cashed although they were written which was why the Report showed a negative balance. Terry Thomas asked about the McHenry County, IL billing cycle.

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

Roger Schaalma briefed the Commission on maintenance and projects. He said Wisconsin and Southern (WSOR) had just finished geometry testing on the entire system with their geometry car saying there were very few areas identified for repair but of those few, all had been repaired. He said the current rail testing car was out and said that WSOR had identified over 400 defects on the Waukesha line alone. He said most defects were internal which gave WSOR some time to repair, perhaps a couple of months. He also said they were working to spray and control brush a lot better this year. Schaalma said seven grade crossings were being worked on, with five already completed. He said annual bridge inspections were also currently underway as required.

On projects, Schaalma said 13 bridge repair contracts had been awarded on the Prairie Sub. Luckily, two of the bridges could be made into culverts. On the Spring Green Bridge, Schaalma said they were close to getting the work bid out with major construction to begin in 2017. He said the tie and surface project on the Prairie Sub had mobilized last week, and the three bridge projects in Illinois on the Fox Lake Sub were now completed, with three large bridges on the Madison Sub going out to bid. He said the Watertown project was proceeding very well, saying WSOR was replacing five of the grade crossings and in two to three months it would be a class 2 railroad from Madison to Sun Prairie. Next year Sun Prairie to Watertown would be Class 2. Upon request, Schaalma explained the sub names in the Southern Division and where they originated.

Ken Lucht reported that Schaalma and his team had developed a five year capital program and he wanted to present it to the Commission hopefully by next month. He outlined what that program would show, such as the number of ties, crossing rehabs, bridges, etc.

Lucht said WSOR had leased 125 new jumbo (286,000 lb.) covered hoppers for grain, after offloading 125 hoppers with low efficiencies. The new hoppers would be placed between all the main elevators. Lastly, Lucht said WSOR was still working on hosting a tour of the Janesville facility and he would confer with Penn and Sweeney on that.

Richard Kuhnke asked Lucht for an update on bridge removal on the Peters Road Bridge. Lucht said he did not know anything about that situation. The last he knew, the Town Chair had been seeking State funding for replacement.

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

Rich Kedzior let the Commission know that the Rails and Harbors section had forwarded the FRPP requests to the Secretary of Transportation. Dave Simon talked about recent retirements and hires in the Section and said Frank Huntington had said he would be coming to some future meeting.

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

Penn reported on her administrative tasks since the last meeting after distributing articles submitted by Forrest Van Schwartz in July, including mailing the letter inviting Green County to join the WRRTC. She also shared the email exchanges she had had with a person seeking to use a billboard currently on WRRTC property in Illinois. Penn said she had directed that person to Eileen Brownlee. Sweeney said the sign issue might be on the September agenda, in order to more fully discuss the question of whether the Commission wanted non railroad structures on railroad right-of-way (ROW). Charles Anderson asked if there was a way to get a photograph of the sign in question. Sweeney asked if a WSOR supervisor could take a photo for them. Lucht said that would not be a problem.

12. Discussion and Possible Action on Merrimac Bridge option – Dave Simon, WisDOT, Eileen Brownlee, Corp. Counsel

Dave Simon said WisDOT had initially completed an analysis of the Merrimac Bridge and had identified a “restore” option, costing \$7.6 M. However, it would only allow 268,000 lbs. at 10 mph. When approached, Simon said WSOR had come up with some other options. Simon then introduced Pete Schierloh of SW Bridge Engineers to present those options. Simon recommended giving close

attention to the “sustainable” option, noting that this had been recommended and endorsed by the engineers and WisDOT, costing between \$15M - \$17M, and would extend the life of the bridge for 40 years at 286,000 lbs. at 25 mph.

Pete Schierloh introduced himself, giving his background and the necessity of having a RR bridge engineer do this type of assessment. He said he had rated all the bridges on the Reedsburg sub, particularly the bridge in question: Bridge 334, aka The Merrimac Bridge. He related the bridge’s history and why it had worn the way it had, noting that 1902 and 1930 had been a major rebuild years.

In terms of capacity, as of 2012, the Federal Railroad Administration (FRA) now mandated bridge capacities be rated. He explained the former rating system, then presented the new rating system, explaining the capacity rating system. Schierloh also explained that although the bridge had been built to lower capacities, by lowering train speed, WSOR had been able to allow trains to continue to move across the bridge. However, they could not lower speed under 10 mph. Based on its current rating, the bridge could not support 286,000 lbs. at any speed. At its maximum loading it could support 268,000 lbs. at 10 mph. If there was no reinforcement, the bridge would drop to 234,000 lbs. at 10 mph after the sunset date of December 31, 2018. He explained the differences between the normal ratings versus the bridge’s maximum rating which was essentially a “regular” load versus a super heavy “maximum” load.

Span by span, Schierloh pointed out the various components of the bridge that were wearing, in particular the flooring beams. He said only a quarter of the bridge components, consisting of 22 spans, were currently rated at 25 mph at 286,000 lbs. He said the 10 mph recommendations put the the bridge only “barely there”, showing the cost comparison based on the bridge’s capacity and condition.

Schierloh said no work was planned below the waterline, assuring the Commission that the engineering report did not show any reduced capacity of the piers. He said the \$15 - \$17 M price tag included the cost for both capacity and condition, including piers. Jack Demby asked if this was due to the bridge’s design or material insufficiencies. Schierloh said the materials were quite old and with the current stresses, the bridge should not be replaced to its original design and materials. In terms of corrosion, Schierloh said the bridge’s corrosion condition was “pretty good”, considering how old it was.

Ranum asked if there was a way to test the metal fatigue on the bridge. Schierloh said it could be done via sampling. Thomas asked for the time frame. Schierloh said it would be a couple of years: in terms of logistics, the project would take about 18 – 24 months from the beginning of signing the contract with about a year of engineering and permitting before that, including a review based on the bridge’s historic significance. He said it would probably take five to six months for drawing up plans alone. Potentially, it could go fairly quickly once begun, with a barge used to move the spans in and out. He estimated span fabrication would take nine to twelve months.

Simon said the Commission could see the amount of effort that had gone into this bridge review and said Schierloh had done a much more in-depth precision assessment, with the “sustainable” option presented resulting in improved capacity and condition for 40 years. He said WisDOT had determined they could spend \$80 M or \$100 M for a new bridge, do nothing, or pay the cost of a restored bridge which would be \$12 M at a minimum. He said the bridge would continue to cost millions more moving into the future. The “sustainable” option, which WisDOT endorsed, was really the lowest cost and reasonable alternative.

Dick Mace asked how long the \$12M-\$14M option would be good for. Schierloh said it was a very short period of time and they would just end up back where they were today. Mace asked if there was a reason to look beyond the 40 year timeline. Simon said in 40 years something would have to happen. Mace asked if there were some way to increase that 40 years. Schierloh said the only thing left that was of concern would be a few trusses and the piers. He explained what would have to be done to make this a 100 year repair versus a 40 year but said the piers should continue to perform for another 40 years, acknowledging the highest level of uncertainty were the piers. If they remained solid and stayed in place, there should not be a problem. Divers had documented the pier condition and Schierloh said underwater reports would need to continue. Simon said 40 years was a lot of time to buy and the State had a lot of other bridges that needed work as well.

Chuck Spencer asked how much time the bridge would be out of service if construction were to commence. Schierloh said the construction work would not impact train service - a span could be replaced in 24 hours.

Sweeney asked Lucht and Simon what action they wanted from the Commission. Lucht said he did not see any need for action. Simon said this was similar to the Spring Green Bridge and asked if the Commission needed approval. Brownlee said she did not know if anything needed to be done now as planning and financing were up in the air. Sweeney asked what were the sources and reliability of the financing. Simon said WisDOT believed they had the financing available and had identified a source of funding from FRPP. He said WisDOT had already approved this funding within the current biennium.

No action was taken.

13. **Discussion and Possible Action on Great Sauk Trail Rails-to-Trails, 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, 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; 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; development of Interim Trail Agreement on Great Sauk Trail –**
Dave Simon, WisDOT, Eileen Brownlee, WRRTC Corp. Counsel

Simon distributed a handout explaining a history of the railroad corridor and discussed the need for increased capacity for Sauk County shippers. He said there were a number of things to be done to do a rails-to-trails conversion. Referring to his handout, he said the area in question was from the Sauk City Bridge to the south gate of the former Badger Plant. The conversion would remove that mileage from the grant/land/operating agreements and put it in Rails to Trails. He said it would be an active, rail banked corridor.

He listed the various stakeholders and said WisDOT had identified their responsibility in several areas of the project. The WisDOT was seeking the Commission's concurrence on those items. He said WisDOT was in favor of doing this and the railroad was in agreement. A trail committee was ready to take on the project. He said WisDOT had identified seven points that had to be "put into place" although they were not necessarily in exact order. He listed filing for discontinuance with the STB while simultaneously filing a trail use request (aka a statement of willingness) with WisDOT and WDNR, developing an interim trail agreement which he said was being worked on now by WisDOT legal counsel, drafting the grant, land use, and operating agreement amendments which would remove the mileage from those agreements, and removing the track. He said there were a lot of questions in regard to the track removal part of this.

Brownlee agreed with Simon and added that the order in which this process was done was important. She said if there was discontinuity, there was a risk of losing a lot of the corridor. She emphasized the need for things to happen in a timely matter. In regard to the trackage, she said the WRRTC owned the track. She asked who was going to do that bid for the work, who would contract the work, and what part did the State bidding laws play. She said the Commission was at the point where they could take action, suggesting the creation of an ad-hoc committee to keep the process moving and to report back to the Commission in September.

Sweeney asked for opinions on an ad-hoc committee. Mace said an ad-hoc committee was in order but asked if Sauk and WDNR meant to start the trail this year. Krueger said they would. Mace asked about the steel salvage. Brownlee said the WRRTC owned the trackage, subject to the land use and grant agreements that went all the way back to the initial financing of the Commission in the 1980s. She said it usually was a question of assessing percentage and that these were things to be worked out in the ad hoc committee. She added she hoped it would be the State. Mace asked if the land would revert to the State. Brownlee clarified all the land belonged to the State and the Commission owned the improvements (tracks, bridges, etc.). Simon questioned if the State owned up to 20 percent of the track as well, based on grant agreements. Brownlee did not agree. She said that was forgiven over the years. She said there had been other sums added in but did not think the State owned 20% of the track.

Sweeney asked Brownlee for her ideas for the ad-hoc committee. She recommended a Sauk County commissioner, adding that she would like to keep it to 5-6 people but recommended the WRRTC Chair be a member.

Simon asked if any of the seven things listed could proceed today. Brownlee said no. Simon said WisDOT did not know the order yet nor what had to happen first. Brownlee said filing with the STB while filing a trail use request were priorities.

Lucht said WSOR would have to verify the mileposts with the State and the Commission. He said WSOR's attorney had not even seen anything relating to amending the agreements, although he said he did not think a lot of language needed to be changed in the agreement. Also, since it was not often the operating agreement was changed, WSOR would like to discuss with the Commission the provisions of Article 2.2 on Property Management. He said the language was different from the Reedsburg Operating Agreement language and WSOR preferred that Article be 2.2 consistent between the two agreements. He said he would bring those agreements to the Commission in the near future. Brownlee said the timing was important due to the land and grant agreements and the Commission must honor its agreement both to the operator, as well as with the State, in order to preserve the Commission's indemnification.

Sweeney asked Simon for ad-hoc committee suggestions. Simon asked if would make sense to have Cathy Chung. Brownlee asked who from the commission who would be helpful. Simon said he did not know if it was WisDOT's place to identify those.

Sweeney volunteered Marty Krueger, Ken Lucht, and himself to the committee. Augie Tietz volunteered, as did Chris James. Sweeney invited whomever the State wanted and asked Brownlee to be on the committee. Simon identified Kim Tollers and Cathy

Chung. Sweeney suggested Frank Huntington would be good too. Simon said WisDOT's role would be advisory and suggested a representative from the WDNR but did not give a name.

Sweeney asked for concurrence from the Commission on the ad-hoc committee.

- *Motion to approve creation of an ad-hoc Committee with members as presented– Morris/Thomas, Passed Unanimously*

Dick Mace asked for clarification of the stakeholders, asking why the State was not one. Brownlee said she did not think the State had that interest, and typically, the State did not put their people in these type of groups. When asked if there should be a stakeholder from Sauk City or Prairie du Sac, Brownlee said these would be public meetings but a stakeholder was someone whose name was on the agreements or contracts.

Sweeney asked Simon to notify the ad-hoc committee when there was something to discuss on the points presented. Simon offered space for the meeting at WisDOT headquarters. Simon then said there might be a need for special Commission meetings to address committee decisions. Sweeney asked if Simon meant after the September meeting. Simon said before the September meeting, commenting on the timeline but acknowledged the Commission may not wish to. Eric Nitschke asked if the ad-hoc meeting would be meeting sooner rather than later, expressing his reservations at the possible result of meetings going into 2017. Sweeney said they could meet as soon as WisDOT had firm direction on all the issues presented today. Simon agreed. Krueger said this was also his expectation and hope. He said this was a priority as the County was prepared and had the money to build a trail. He said the County was talking to the WDNR and other parties about extending the trail to Devil's Lake and said there were folks attending the meeting today who were interested in getting segment one started. Krueger said the number two segment was the Dane County connection. Number 3 was the Badger to Devil's Lake segment. The County was looking to build a "world class trail" and the entire process was based on completing segment one before proceeding to two or three. He said the County was prepared to start immediately and hoped it would be before the snow was flying. Mace supported having meetings of the Commission as needed rather than meeting on the regular schedule. He also wanted to know if draft copies of the agreement could be made available to the Commissioners via email before meeting again.

Sweeney closed by thanking Sauk County, the Village of Prairie du Sac, and the Blue Spoon Cafe for the nice meeting place.

14. Action Item. **Adjournment**

- *Motion to adjourn at 11:49 AM – Scallon/Cornford, Passed Unanimously*