

WISCONSIN RIVER RAIL TRANSIT COMMISSION

FULL COMMISSION MEETING - FRIDAY, OCTOBER 5, 2012 @ 10AM
 DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

1. 10:00 AM **Call to Order** – *Karl Nilson, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn*

Crawford	Tom Cornford, 3 rd Vice Chair (XCom)	x	Rock	Ben Coopman, Alternate	x
	Rocky Rocksford	x		Wayne Gustina	Excused
	Vacant			Alan Sweeney, 1 st Vice Chair (XCom)	x
				Terry Thomas	
Dane	Gene Gray, Treasurer (XCom)	x	Sauk	Marty Krueger, Alternate	
	Jim Haefs-Fleming	Excused		Carol Held	
	Chris James	x		John Miller	
				Dennis Polivka, Asst. Secretary (XCom)	x
Grant	Ivan Farness		Walworth	Jerry Grant	
	Vern Lewison			Richard Kuhnke, 4 th Vice Chair (XCom)	
	Robert Scallon, 2 nd Vice Chair (XCom)	x		Allan Polyock	
Iowa	Charles Anderson, Secretary (XCom)	x	Waukesha	Karl Nilson, Chair (XCom)	x
	William G Ladewig			Richard Manke	
	Jack Demby			Fritz Ruf	

Other present for all or some of the meeting:

<ul style="list-style-type: none"> • Mary Penn, WRRTC Administrator • Frank Huntington, Marty Morin, Greg Baer, Roger Larson WDOT • Forrest Van Schwartz, Consultant 	<ul style="list-style-type: none"> • Ken Lucht, WSOR • Eileen Brownlee, WRRTC Attorney • Jim Matzinger, WDOT • Suzanne Folberg, Crawford Co. Stewardship
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn,*
 - **Motion to Approve Public Notice**, *Cornford/Sweeney, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn,*
 - **Motion to Approve Agenda**, *Polivka/Cornford, Passed Unanimously*
5. Action Item. **Approval of draft July Meeting Minutes** – *Prepared by Penn,*
 - **Motion to Approve August Meeting Minutes**, *Sweeney/Scallon, Passed Unanimously*

Frank Huntington noted there needed to be a correction on item 14, changing to NERPC to NCRPC on the 5th line of the item minutes.

6. Updates. **Public Comment** – *No public comments.*

7. Updates. **Correspondence & Communications** –

Mary Penn gave her communication updates. Specifically the receipt of a letter from McHenry County Conservation District regarding hunting to be permitted along several District sites near WRRTC property, the resolution of an issue with a Mr. Mark Goldworthy regarding damage done to his car when passing over WRRTC rail on ILSH 173 in early September, the receipt of a letter from Sec. Gottlieb acknowledging the budget support letter sent out in August, and the communication from Mr. Rob Redwillowitz (sp?) with whom Penn spoke regarding a guardrail/safety issue in Walworth County, adding that Mr. Marty Morin of WDOT had also been working on this last communication to resolve it. Forrest Van Schwartz updated the Commission on the Freight Rail Study between WRRTC and UW Madison. He reported that the survey has not yet been mailed due to a variety of reasons (although it was

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due to be sent in June) but hopefully will be sent next week. He said the results would be valuable and of help during budgetary talks. He said an electronic copy of the survey will be sent to Mary Penn for her to distribute to the Commission.

Karl Nilson read the response letter from Sec. Gottlieb upon receipt of the budget support letter the Commission sent to both the Secretary and to respective representatives and county board representatives. Gene Gray asked Van Schwartz how much of the freight rail study has been completed of which half has been half. Gray asked what the timing of the study is in regard to the upcoming budget. Van Schwartz reiterated the survey would be going out hopefully this week and that it was vital that it be sent out by years end. Frank Huntington said that the Governor would be looking at the draft budget in November. Penn then passed out the rail grant award press release. Huntington noted that the announcement did not include all the awards yet.

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

- Treasurer's Report for August and Payment of Bills

Jim Matzinger gave the treasurer's report, noting that no money has been paid out for 2012 projects yet this year.

- *Motion to Approve Treasurer's Report and Bills, Anderson-Gray, Passed Unanimously*

Ken Lucht asked for confirmation of WSOR's billing for 2012 projects, asking if the \$185,640.00 quoted was correct. Matzinger replied that \$112,000.00 had been collected from counties but that Crawford County's payment for past years had to be taken out to address years of non-payment.

9. **Wisconsin & Southern Railroad's Report on Operations**

Lucht updated the commission on WSOR's monthly maintenance saying they would be using a geometry car on the Cottage Grove line with other lines scheduled to be assessed for the shape and amount of rail gauge on the lines. He noted that this is the first year WSOR has ever done this and hoped to share the results with the Commission at next month's meeting. He also said that the Prairie line was getting a lot of tie replacements and tie replacement work should be done before heavy freezes. WSOR has completed some work on bridges as well as completion of work on the Milton line. Between Slinger and North Milwaukee, the line there should be completed very soon. WSOR has begun work between Janesville and Monroe, projects that include funding from PRTC. He added that these projects (crossings mainly) should be completed within the next few weeks. WSOR is currently looking for contractors for bridge work and have sent out requests for bids on a number of bridges. He noted that some bridges need reinforcement due to vertical cracks on their piers and because of this issue there are additional costs in the estimates and Lucht said WSOR is working with WDOT on getting that addressed. WSOR had also applied for various projects for state grants including welded rail and siding projects but they still need to get some information to WDOT. Lucht said that WSOR is keeping the purchase of the Reedsburg line on their radar.

Lucht said that grain shipment amounts have been lower than anticipated so WSOR has adjusted their budget to supplement the losses. Frac sand shipping is helping to pick up some of the slack particularly out of Prairie du Chien. Lucht said this was a very significant sale of sand as this was a totally new business for WSOR. Some slow orders that currently stand are slowing train operations so new business is very welcome. They are also moving military vehicles also in an attempt to supplement the loss of grain shipping.

Lucht thanked the Commission for their support in the budget letter that was sent out on their behalf last month. Nilson asked if WSOR owned the geometry car and if it did more than dimensional work. Greg Baer said the car is only looking at the rail gauge. Nilson asked if the car also looked at the rail profile; Baer said it was possible if that was also needed. Gene Gray asked if Ken had any updates from WATCO and Lucht updated the Commission on what WATCO has been doing for and with WSOR since WSOR's being acquired in January 2012. Lucht said that WATCO very much supports WSOR's relationships with the RTCs and the State. He noted that representatives of WATCO will be meeting with the Rock County Board in November. Dennis Polivka said that the Town Board Spring Grove had met the night before and that there were comments on the size of the trains going through the town and that all the town's crossings had been audited in Sept.

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

Penn reported that she had collected and forwarded data to Johnson Block for the audit, completed and mailed the Scot Forge crossing permit and utility permit and had completed a draft of the Scott Forge lease but since there was as yet no dollar amount for the lease, had not completed it to date. Penn also distributed a list of the prospective WRRTC meeting dates for 2013 in order to give the commissioners notice on next year's schedule. She added that she was planning on attending the annual 2012 WDOT Freight Railroad Conference in November. Huntington gave a quick update and reminder on the Conference, noting its attendees, history, and cost of attendance. Registration can be at the door or register before Oct. 24th.

11. **WisDOT Report**– *Frank Huntington, WisDOT*

Huntington spoke about the news release distributed earlier in the meeting and some of the specific projects that received funding. He said that one of the bridges funding to WSOR was for a Woodman bridge project that needs more work than originally estimated. He

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told the Commission to feel free to ask him questions on these or any future grants/loans. Robert Scallon asked about the Woodman bridge project and its associated costs. Huntington reported that apparently there is a lot more work to be done on it. Nilson asked if this bridge had reinforced piers but it does not. There was conversation in general about the high cost of bridges and the need to address them.

Huntington said that annual WDOT meeting with WSOR was upcoming and asked if a representative from the Commission wanted to attend that meeting, they were welcome to do so but he cautioned them that this would be a private, not open, public meeting. This meeting is to discuss financial issues between WSOR and WDOT and is scheduled for Oct. 22 from 2 – 4 PM at the DOT building (Hill Farms Building on Sheybogan Ave.).

On the Reedsburg line issue, Huntington reported that WDOT has received an appraisal and has been told to investigate the titles of the pertinent parcels along the line. WDOT may go ahead with its own appraisal, as Huntington reported that he had received verbal confirmation to do so.

Penn distributed a handout in regard to the Eagle Property issue. The property concerns a police department in the Village of Eagle which wants an expansion of their facility next to the line. However, WSOR does not want to give up the space requested as they need it for maintenance work and storage space. Huntington explained the situation with help from a distributed air photo, saying that WDOT would be willing to sell about 200 square feet which would allow the department to expand but not affect the space needs of WSOR's. Huntington noted that WRRTC does not have a say in the sale but that he wanted them to be aware of it. Lucht told the Commission that WSOR supports WDOT's sale.

- **Motion to support the WDOT's sale of the Eagle Property to the Village of Eagle - Anderson/Polivka, Passed Unanimously**

Break was called at 10:56 AM to reconvene in 10 minutes. Meeting reconvened at 11:05 AM

12. Discussion and possible action on disposition of Creek Road Bridge, Town of Bradford, Rock County, WI – *Ben Coopman, Rock County; Ken Lucht, WSOR*

Penn distributed a handout (a State/Municipal Agreement, SMA) on the issue. Ben Coopman, speaking for Rock County, rather than as a Commissioner, updated the Commission on the bridge, saying it has been at issue since the 1990's, specifically the ownership of it. It is a large wooden bridge, built for car traffic running above the rail line and is badly askew. The SMA document distributed to the Commission is necessary for the County to be a financial partner. The bridge is rated at 14 (out of 100) for structural health but in 2010 Coopman began to get money for the local match to build a new bridge. In February 2011 the railroad raised the concern as to the bridge's ownership. WRRTC legal counsel recommended the creation of Bill of Sale to sell the bridge to the Town of Bradford. The Town wanted the new bridge but did not want the old bridge as the liability was too onerous. Rock County said the same and thus the question of what would happen to the old bridge while making the new bridge remained. Rock County's position now is that the County can sponsor the bridge and ownership will remain where it is. If this happens, a whole host of parties would be involved including WRRTC, WSOR, the County, the Town and WDOT. Coopman said that during demolition /construction the contractor undertakes the liability. Once the bridge is complete, the Town of Bradford is willing to take the bridge over. In this scenario, the Bill of Sale would no longer be valid or necessary. Huntington said that WDOT does not have a problem with this solution, adding there was no record in WDOT files that the State ever owned it. The railroad owned it. Huntington said that this resolution would help the County with a high priority issue and relieve WDOT of a low priority issue. Baer clarified that a "stipulation" document would assign maintenance of the new bridge, until it is completed. He said that once this bridge is completed, ownership of the bridge will "disappear" (due to a 1969 State Supreme Court decision) and only the document assigning maintenance would exist. He said the "stipulation" document talks about the contractor working on the site, (and asks the railroad for cost sharing) but does not address ownership at all. All the old bridge will be is "refuse" (not owned) and the new bridge will be a concrete bridge, not wood. It will be a two lane bridge. Baer said the final bridge will be relatively flat and the embankments will be 2x higher than they are today so the bridge will be 25-30' in the air.

Lucht said WSOR is agreeable to the concept but that he needed the SMA to pass it to their legal staff and to see what the railroad would be asked for by the County. Eileen Brownlee concurred saying the "devil is in the details", adding that the construction contract is something that she will want to see. Alan Sweeney asked if she wanted the documents in front of her before the Commission acted and she said definitely. Baer clarified that the stipulation was only created after 60% of the process had passed. Nilson asked Baer what the next step for the Commission was. Brownlee said the "bridge specs" would need to be seen by her and the Commission. Baer said that the bridge would be a DOT project and thus meet their specs. He said the special provisions/stipulations would not be relevant until the 60% bar had been met.

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Coopman said the Commission would not have any approval or need information after this point, saying this project would be one between the County, WDOT and WSOR. There was additional discussion about the bridge removal costs and the need (or requirement) for the Commission to be involved. It was reiterated again that WRRTC would not have authority to grant approval. However, Nilson noted the Commission would want to continue to be updated on the project. Brownlee said that because the WRRTC line is under the bridge, she wanted to make sure that whoever is doing the work would have sufficient liability and Baer assured her that this would be the case. Baer added whoever the contractor is they will have to work hard to meet the state specifications to be able to initiate work.

13. Discussion and possible action on setting dollar amount of Scot Forge lease – Mary Penn, Admin.

Penn distributed copies of the draft lease, explaining the history of the issue, adding that it was the first lease she had done and therefore did not have a dollar amount to assign to the document. Huntington commented that the size of the parcel was fairly large, then the lease amount would usually be 10% of the parcel size. Penn did not have a schematic of the site. After some discussion on how to assess the lease site's size and the difficulty in determining parcels in Illinois, Nilson asked that Penn and Brownlee work together on discovering the size of the lease parcel and determining an appropriate amount to ask as a lease, adding that he would like the lease amount as an action item on the November agenda as Scot Forge has been patient and worked well with the Commission and Nilson did not want to cause more delays for the business.

14. Discussion and possible action on Riverdale Ag Use Permit Revision – Kim Tollers, WisDOT

Huntington distributed a handout, saying Riverdale Ag in Muscoda needed a revision to their use permit for their crossing. He said they wanted an additional grain bin and a tower. Huntington said he understood that WSOR had no objection. Nilson asked what was wanted from the Commission and Huntington said concurrence with the revision. Polivka asked if WDOT was agreeable to this request and Huntington said they were.

- **Motion to approve the revision to the Riverdale Ag Temporary Authorization Permit.** *Gray – Scallon, Passed Unanimously*

Nilson then reminded the Commission that next month there would be an agenda action item passing a resolution to honor Bill Gardner. No one to date had yet received actual confirmation that Gardner would attend; however, Nilson said he believed he would, based on a personal conversation with him.

15. Action Item. Adjournment

- **Motion to adjourn at 11:36 AM.** *Rockford- Cornford, Passed Unanimously*