

# WISCONSIN RIVER RAIL TRANSIT COMMISSION

EXECUTIVE COMMITTEE MEETING - FRIDAY, APRIL 13<sup>TH</sup>, 2012 @ 10AM  
 DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

- 1. 10:01 AM **Call to Order** – *Karl Nilson, Chair*
- 2. Roll Call. **Establishment of Quorum** – *Mary Penn*

Crawford	Tom Cornford, X-Committee	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford			Wayne Gustina	x
	Vacant			Alan Sweeney, Vice Chair	
		Terry Thomas		x	
Dane	Gene Gray, Treasurer,	excused	Sauk	Scott Alexander	x
	Jim Haefs-Fleming	excused		Joel Gaalswyk	
	Forrest Van Schwartz, Advocate	x		Marty Krueger, Alternate	
		Rob Sinklair, Asst., Secretary, left 11:26 AM		x	
Grant	Ivan Farness		Walworth	Jerry Grant	
	Margaret Ruf, Secretary, 10:04	x		Richard Kuhnke, X-Committee	
	Robert Scallon, 2 <sup>nd</sup> Vice Chair	x		Allan Polyock	
Iowa	Charles Anderson, X-Committee	x	Waukesha	Karl Nilson, Chair	x
	Gerald Dorscheid, Vice-Treasurer	x		Richard Manke	
	Robert Zinck			Fritz Ruf	

**Other present for all or some of the meeting:**

<ul style="list-style-type: none"> <li>• Mary Penn, WRRTC Administration;</li> <li>• Ken Lucht, WSOR;</li> <li>• Frank Huntingdon, Kim Tollers, Marty Morin WDOT;</li> <li>• Jim Matzinger, Treasurer</li> <li>• Ron Wolfe, ProRail left at 11:54</li> </ul>	<ul style="list-style-type: none"> <li>• Alan Anderson, Pink Lady Rail Transit Commission</li> <li>• Richard Templeton, Rock County (10:17 left)</li> <li>• Ronald Templeton, Rock County (10:17 left)</li> <li>• Bob Sieger, Architect, Sieger, LLC (11:21 left)</li> </ul>
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- 3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn – Motion by Gustina/Van Schwartz, Passed Unanimously*
- 4. Action Item. **Approval of Agenda** – *Prepared by Penn – Motion by Cornford/Thomas, Passed Unanimously*
- 5. Action Item. **Approval of draft minutes from the March** – *Prepared by Penn – M. Ruf/Scallon, Correction to March Draft Minutes, Item 7 – Passed Unanimously*
- 6. Updates. **Public Comment** – Richard Templeton, landowner, spoke of his dissatisfaction with the railroad. He has had trespassing issues on his property (there are no fences between his property and the rail corridor). He said he had called the sheriff and was told to post and fence his land although that is not legally required. He said he posted but all postings were torn down. He told the Commission that the railroad should either be returned to active rail or the land returned to him. He said it is high time that something be done, noting that there have been railcars sitting on rails behind his property that have not moved for years. Karl Nilson thanked him for his comments and input but also reminded him that having cars sitting on rails was standard operating procedures on rail lines.
- 7. Updates. **Correspondence & Communications** – Mary Penn told the Commission that Rep. Paul Ryan’s office responded to the HR 721 letter that the Commission sent earlier in the year. Nilson read the letter to the Commission. Penn distributed the UW Extension Economic Freight Rail Study reimbursement letter to Commission, with Nilson commenting that the project is moving along nicely.
- 8. **WRRTC Financial Report** – *Jim Matzinger, Dane County CPA / WRRTC Accountant*
  - Treasurer’s Report for March

Jim Matzinger presented the Treasurer’s Report noting there were no checks this past month. The Commission has collected most of the assessments for the year (although Iowa and Dane counties are still outstanding). He added that WSOR still needs to pay their lease. Crawford paid last and this years’ obligation.

- **Motion to approve the Treasurer’s Report** - *Anderson/M. Ruf, Passed Unanimously*

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

Ken Lucht said that annual maintenance is underway including maintenance ties, brush cutting, and weed control. He said that the Madison/Willton project will be concluding in the next few months, completing a 3-year project.

Lucht said there are a lot of things going on in the area of business development, saying there is a lot of sand (for hydrofracking) being moved to Chicago and then out to gas fields in the East. He noted that all the sand moving is creating havoc on the line's infrastructure. He said there is currently a lot of plastic coming into the region for manufacturing purposes. Grain businesses are also investigating increasing their shipment needs, and the City of Boscobel is also seeing an expansion in its rail yard for grain. There will be activity in Reedsburg to ship sand out East (trucked in from Tomah) and he added there is a new customer building in Reedsburg and at least 10 businesses are talking with WSOR for their shipping needs. "Business is growing" he said. In the near future, WSOR will be working on its annual operating plan. He said that WATCO is very happy with the Commission's interest in upcoming projects and Lucht said he will share future projects with the Commission.

Lucht talked about a March 13<sup>th</sup> TV video of a "ride-along", highlighting safety issues with WSOR's trains going through urban areas. He said that the Commissioner of Railroads also joined the "ride-along", and said that in 8<sup>1/2</sup> miles there were at least 75 various violations, in particular a bus blocking the barrier gates. There was no enforcement or education on this ride but added on May 16<sup>th</sup> there will be a law enforcement officers "ride-along" to work on enforcement issues. He said that WATCO is very interested in promoting safety.

Lucht noted that there has been some discussion by WSOR on the state budget (for the 13-15 biennium) which includes WSOR's budget request. He said that hopefully WSOR will know more by the May meeting and is planning on asking for the Commission's endorsement this summer, saying the Commission has given this endorsement in the past. He said that there is some hope that funding levels will return to previous levels and that there is the possibility of funds available to purchase the Reedsburg line.

Lastly, Lucht said he is planning to ask for consideration on insurance adjustments at the May WRRTC meeting. He was asked about the progress of the TIGER grant funding but there has been no formal response yet. He asked that officials call Transportation Secretary La Hood to endorse the project. Nilson asked Lucht if Eileen Brownlee should attend the May meeting and Lucht said she should, due to the discussion of insurance adjustments. Nilson also asked if moving the full Commission meeting from May to June would affect WSOR's insurance needs schedule and Lucht said yes, it would.

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

Penn told the Commission that she was working with SWWRPC's GIS Coordinator to develop a rail map with the intention of laying the groundwork for a fully interactive map which is sorely needed by the Administrator. She also updated the Commission on the status of the Defabbio-Ekleberry Crossing Permit and that she had not found proof of a paid crossing permit fee paid for the McFarlane Manufacturing Crossing Permit. Forrest Van Schwartz advised Penn to check the financial reports to see if the permit had been paid in 2011 (when the permit was approved) and if not found, will write a reminder letter to McFarlane. She also told the Commission that she was continuing to work on the Scot Forge siding lease and the crossing permit.

Before ending her report, Van Schwartz asked about emailing Commissioners meeting materials electronically only. When asked, Van Schwartz, Margaret Ruf, Terry Thomas, and Robert Scallon opted for receiving information electronically only; no paper copies by mail. Penn made note of those Commissioners and said she would update her data.

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

Frank Huntington said that there is a property sale in Avalon, distributing a map showing a hatched area that an area business is considering acquiring.

- **Motion to approve the sale of the Avalon property – Van Schwartz/Gustina, Passed Unanimously**

In the matter of the Sauk-Prairie High School trail clean-up, Huntington said that the school cannot get a hold harmless (insurance) to allow work on the rail. He said that he spoke with Ben Meighan in relation to this issue and said that WSOR could insure the students for the purpose of the clean-up. He did not know if the school had contacted the railroad to investigate this possibility. If the clean-up did occur, he said they would only clean up weeds and such, not move ties and heavy materials.

Next, Huntington distributed air photos of a track moving proposal in Prairie du Chien from a landowner who has suggested bringing in a large vessel along the river north of the highway bridge. Huntington said that while there has been no WDOT activity in this area

(WDOT is there via an easement) if WDOT leaves, the easement would be lost and there would be no right to return the area to track, therefore, DOT is not inclined to accommodate the property owner in order to protect WDOT track accessibility.

- **Motion to not support Prairie du Chien track moving property proposal – Van Schwartz/Alexander, Passed Unanimously**

Lastly, Huntingdon also spoke of an issue in Sauk City regarding a building redevelopment along the rail corridor, distributing building plan renderings. Bob Sieger, architect for the building developer brought a model of the redevelopment of the property which would include an overhang on the railroad side of the building. Sieger said there are two buildings involved, noting that Kim Tollers of WDOT had not found any record of easement on the property. He said that the building is 18' from the first rail of the track and the buildings have encroached 12' into the corridor for years. He said that this project is seeking among other things a temporary easement during the construction/renovation process and that with the great view the builder wants to cantilever removable balconies in case the track needed to be worked on after the building was redeveloped. Sieger said that the 2<sup>nd</sup> deck was actually 20' over the track (not 24' as is drawn on the distributed drawings). As the building is 18' from the track, and the decks are 8' wide, the distance from the deck to the track would be 10'. The architect said that the builder wanted some sort of approved encroachment; if the buildings were ever torn down the 12' currently encroaching would be returned to the railway or WDOT. He noted that there are variety of buildings in the village that encroach the line. Gerald Dorscheid asked where the ROW was currently and was told it is 12' inside the building. Rob Sinklair said that the track was put in during the building of the dam (this would be around 1910 or 1911). Nilson asked if the track was still in and Huntingdon said the track is there but is inactive. Also, the track does not have a bridge across the river, north of Sauk City.

Huntingdon said that WDOT does not have a problem with a temporary encroachment on the corridor to work on the building but WDOT has many reservations about any building that would extend over the track and any additional permanent encroachment. He said that once the Madison to Reedsburg line is acquired, WDOT would consider a bike trail thru the village. Sieger reminded the Commission that the decks on the buildings could be removed if necessary, and that if allowed, the deck height could be negotiated. Nilson asked for WDOT's position on the issue and WSOR's opinion. Huntingdon said WDOT would give some sort of permit for working on the structure as the building been there for 100 years, but WDOT has strong reservations about the elevated decks extending so close to the tracks. Lucht asked if there was any legal easement/lease agreement but Huntingdon said they have not found one. Sinklair said that the buildings have been occupied but probably not for a number of years: for the most part, they've been empty for at least 10 years.

Nilson suggested the Commission come back to the issue next month, to give time for WDOT, WSOR, and Sieger to communicate over the next few weeks. Sieger said the offer for the building is set on contingency that an encroachment easement be set in the next 15 days. Nilson said that his recommendation be that the buyer come to the next Commission meeting. Sieger said the building owner would need a letter of approval that the railroad would not pull permits. M. Ruf asked Huntingdon about the impact of the distance from the buildings and reminded the Commission that the architect emphasized that the decks could be removeable, although she did not as yet have an opinion on the issue. Van Schwartz said that freight cars are very wide nowadays and therefore would be much closer to an 8' deck, reducing the distance to 7' (between deck and freight car). Nilson repeated that the issue would carry to the May meeting. Lucht added that physically the decks could be removed but if there is rental vs owner situation they (renters/owners) might object to deck removal. Alan Anderson asked if the section of the rail were part of the trail system in Prairie du Sac and Huntingdon confirmed that it is. Anderson asked how the WDOT/trail conversation issue was moving along. Huntingdon repeated that once the Madison to Reedsburg line was acquired, then the track would most likely revert to trail. He also said that this outcome is probably 4-5 years in the future.

Nilson called a break at 11:21 PM. Meeting was reconvened at 11:34 PM.

#### 12. **Update on private crossing at Village of Blue River**

Lucht spoke about the Village's permit which was issued in spring 2010 to gain access to a municipal sewer site. However, there was a delay in the Village gating the crossing. Lucht said that while the gate has now been put in, the permit has expired and has not passed final inspection. The Commission told Penn that no permit fee is necessary for a municipality.

- **Motion to renew the Village of Blue River permit without fee – Scallon/Dorscheid, Passed Unanimously**

#### 13. **Consideration and possible approval of revisions of insurance requirement in WSOR contract. – Frank Huntingdon, WisDOT**

Huntingdon said that there has been discussion between WSOR and WDOT regarding adjustments of insurance with an increase by a pretty substantial amount. Due to the increase of the business through the WATCO acquisition, there is need for more insurance. At this point the agreement between WDOT and WRRTC is \$75K and the discussion is about upping that amount. The increases would

be significant both in coverage and dollar amounts. There will be continued discussion including legal counsel and bringing it back to the Commission in May. Huntingdon said that the current agreement has some specific language but over time following that language has become slack. There will be discussion about whether to go back to a strict interpretation of the agreement or to drop the language which could result in significant agreement changes. There was more discussion about this but at the time of this meeting there was no need for action. Huntingdon did say they would like action in May due to the insurance renewal cycle – signing agreements in May would avoid the Commission having to carry double insurance.

**14. Presentation and discussion on proposed passenger rail service between Madison and Chicago via the WRRTC owned track through Janesville and Fox Lake. – Ron Wolfe, President, ProRail**

Ron Wolfe distributed a handout and talked about ProRail’s mission to develop passenger service in Wisconsin. He noted they are working on two projects at this time, highlighting the second project which is to develop Madison-Chicago passenger service. He noted potential economic benefits to this project and asked the Commission for their guidance and advice. He said that passenger service became a huge political issue in the past and therefore the State is unlikely to fund it but asked the Commission rhetorically what the outcome might be if it were privately funded? Nilson asked Lucht if WSOR would offer passenger service? Lucht said that they could offer it but it also would depend on the particular circumstances and if another railroad could offer it too. Wolfe asked WSOR if there were even a possibility to share corridors (for passenger service)? Lucht said that there would need to be certain things in place (e.g. business plan, funding source, agreement from counties, etc.). Wolfe said if anyone had questions or advice to offer him, he would welcome it. Nilson asked Wolfe if he thought there was a demand for passenger service? Wolfe said there is a demand between Madison and Milwaukee but ProRail needs to find out if there is demand between Madison and Chicago. Lucht said currently there is an ongoing corridor study and he would email Wolfe information on it.

**15. Consideration and possible approval: Standard UW-Madison Research Agreement for WRRTC Partnering with UW Extension Services to Conduct Freight Rail Economic Impact Analysis**

Pen n distributed copies of the Standard UW-Madison Research Agreement with WRRTC to the Commission, with reminders that it had been reviewed and approved by legal counsel. Van Schwartz volunteered to be the designated technical consultant for the Commission noted in item 9.

- **Motion to approve the signature of the Standard UW-Madison Research Agreement for WRRTC with Forrest Van Schwartz as the designated consultant. – M. Ruf/Cornford, Passed Unanimously**

**16. Consideration and possible approval to move May’s Full Commission meeting to June in order to better accommodate County election cycle and hold WRRTC officer elections at June meeting.**

Penn distributed a handout showing which Commissioners needed to be reappointed to the Commission. M. Ruf said that she would like to get a letter from the Commission requesting Grant County reappoint her but Nilson said that that was not necessary, saying that appointments to the Commission did not hinge on being on the County Board concurrently. Nilson went through each county/commissioner on the hand-out and those present if they were willing to serve. Penn noted all those willing, made corrections to reappointment dates and informed the Commission she would update and mail reappointment letters to the county clerks in time for a response at the May meeting. Nilson noted that no action was necessary on Item 16 as there was no need to change the June meeting to a full commission one in order to accommodate new appointees since most of the current Commissioners would continue to serve.

**17. Consideration and possible approval: Donation of a “Wig-Wag” signal to the Boscobel Rail Museum when one becomes available.**

Penn reminded the Commission this Item came out of a discussion regarding “wig-wag” signals in March and that Scallon made the agenda request after that meeting.

- **Motion to donate a wig-wag signal to the Boscobel Rail Museum when one becomes available. – M. Ruf/Cornford, Passed Unanimously**

**18. Action Item. Adjournment**

- **Motion to adjourn at 12:11 PM – Gustina/Scallon, Passed Unanimously**