

PECATONICA RAIL TRANSIT COMMISSION

20 S Court Street • PO Box 262 • Platteville, Wisconsin 53818
 MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, May 20th, 2016 • Green Co. Courthouse, 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. 1:00 PM **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, PRTC Administrator*

Commissioners present for all or part of the meeting:

| | <i>Commissioner</i> | <i>Position</i> | <i>Present</i> | | <i>Commissioner</i> | <i>Position</i> | <i>Present</i> |
|------------------|------------------------|------------------|----------------|-------------|---------------------------|----------------------------------|----------------|
| <i>Green</i> | <i>Harvey W. Kubly</i> | <i>Chair</i> | <i>x</i> | <i>Iowa</i> | <i>Charles Anderson</i> | <i>Secretary</i> | <i>x</i> |
| | <i>Oscar Olson</i> | | <i>x</i> | | <i>William G. Ladewig</i> | | <i>x</i> |
| | <i>Ron Wolter</i> | <i>Treasurer</i> | <i>x</i> | | <i>Philip Mrozinski</i> | <i>Vice-Secretary</i> | <i>x</i> |
| <i>Lafayette</i> | <i>Leon Wolfe</i> | | <i>x</i> | <i>Rock</i> | <i>Ben Coopman</i> | <i>Alternate</i> | |
| | <i>Larry Ludlum</i> | | <i>absent</i> | | <i>Wayne Gustina</i> | | <i>x</i> |
| | <i>Gerald Heimann</i> | <i>Alternate</i> | | | <i>Alan Sweeney</i> | <i>1st Vice Chair</i> | <i>x</i> |
| | <i>Ted Weigel</i> | | <i>x</i> | | <i>Terry Thomas</i> | <i>2nd Vice Chair</i> | <i>x</i> |

Commission achieved quorum.

Other present for all or some of the meeting:

- Mary Penn, SWWRPC
- Eileen Brownlee, Corp. Counsel
- Kim Tollers, WDOT
- Ken Lucht, WSOR
- Bob Voegeli

3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn*
 - *Motion to approve certification of public meeting – Mrozinski/Ladewig, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - *Motion to approve agenda with flexibility to address item 10 when Ken Lucht, WSOR arrives – Sweeney/Anderson, Passed Unanimously*

Alan Sweeney said Ken Lucht would be late he asked that the Commission proceed with the agenda as planned but go to Lucht’s agenda items when he arrived.

5. Action Item. **Approval of draft January 2016 Minutes** – *Prepared by Penn*
 - *Motion to approve draft January 2016 minutes – Olson/Wolter, Passed Unanimously*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
 There were no public comments.

7. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*
 Mary Penn reported on the correspondence she had dealt with since the last meeting. Sweeney announced that Rock County had passed a resolution to submit to the Surface Transportation Board (STB) in regard to the proposed Great Lakes Basin Transportation project. He said he had also met with the County Board of the Boone County, IL and that board had suggested Boone and Rock

counties together pass a resolution and work on identifying an alternative route. Sweeney said there were a number of alternative routes proposed but none had been definitively identified as yet.

REPORTS & COMMISSION BUSINESS

8. PRTC 2016 Election of Officers

Mary Penn distributed a list of the current officers to the Commission.

- *Motion to nominate Harvey Kubly to position of Chair – Weigel/Olson, Motion to Close Nominations – Sweeney/Mrozinski, Passed Unanimously*
- *Motion to nominate Alan Sweeney to position of Vice-Chair – Mrozinski/Wolter, Motion to Close Nominations – Weigel/Wolfe, Passed Unanimously*
- *Motion to nominate the remaining officers as presented – Gustina/Ladewig, Passed Unanimously*

9. PRTC Financial Report – Ron Wolter, SCWRTC Treasurer

Ron Wolter began by saying there had been an error in his January 2016 Treasurer's Report so he was resubmitting it for approval.

- *Motion to approve corrected January 2016 Treasurer Report – Wolfe/Anderson, Passed Unanimously*

Wolter gave the May Treasurer Report to the Commission, listing the receipts, disbursements and balance of accounts. Charles Anderson asked about the share of capital improvements costs and whether they were for 2016 or 2015. Wolter confirmed they were for 2015, consisting of Green County's 2015 contribution. Anderson also asked for clarification of the legal services charged and whether that was an annual bill. Eileen Brownlee confirmed it was the total bill for 2015 for her services.

- *Motion to approve Treasurer Report as presented – Gustina/Anderson, Passed Unanimously*

Wolter presented two bills for approval of payment, both from the Southwestern Wisconsin Regional Planning Commission: invoice for Qtr. 4, 2015 and Qtr. 1, 2016.

- *Motion to approve payment of bills – Anderson/Mrozinski, Passed Unanimously*

Ladewig confirmed with Penn that the second invoice was for her work in Quarter 1 of 2016.

Ken Lucht had not arrived so the Commission moved to Item 12.

10. WSOR Operation's Report – Ken Lucht, Wisconsin and Southern Railroad

When Lucht arrived, the Commission returned to Item 10. Lucht thanked the Commission for their patience in waiting for him. He told them an at-grade crossing in Brodhead had been finished today, adding that of the 10 crossings in Brodhead, Wisconsin and Southern Railroad (WSOR) had replaced 80% of all of the Brodhead crossings and due to all the Brodhead work that was necessary, WSOR would not be able to do a crossing in Monroe. With over 1400 at-grade crossings in their system, WSOR had a lot of work out there.

Lucht reported that WSOR had rebuilt Hwy K in Monroe and completed the Brodhead crossing projects with the result both were completed and in the process of close-out. He said in previous projects, seven timber bridges on the sub were now completed and would be closed out with the State and Commission and WSOR all contributing to the funding.

Next, Lucht distributed a photo of a Janesville bridge, a narrow, wooden trestle going over Crosby Street. This bridge had been rebuilt a few years ago, a \$175,000.00 replacement. In January 2015, Lucht reported there had been a bridge strike, hitting the front of the bridge. Wisconsin and Southern documented the damage, saying that there was a nearby trucking company whom WSOR representatives met with to discuss the strike. The company said it only employed independent truck drivers and it was one of them that had probably caused the damage. The truck company said they had put up a "left turn only" sign in response to the strikes. Lucht said WSOR also met with the City of Janesville representatives to discuss the issue. Lucht said WSOR had been monitoring the bridge and last month there had been another strike. With a \$200,000.00 bridge paid with 80% of tax dollars, Lucht said he wanted to let the Commission know about the issue and said WSOR would continue to talk with the City and the company and possible have an action item next meeting for a letter of support directed to Janesville to revise their truck route at the July PRTC meeting. Wolter asked what the bridge height was. Lucht said it was 13' 6". He said there had been a bridge collision on the north WSOR district that had destroyed the semi-trailer in the accident with a debris field that blew out truck tires in an oncoming semi. Lucht said when there were repeat collisions, WSOR needed to address the issue because these bridges were public investments. Terry Thomas asked about the direction of the hit in Janesville, was it from the north, coming down the hill. Lucht said the trucking facility was on the south side of the track turning north (left) out of the company's driveway and the grade differential was on the north side of the track. Lucht said he also needed to talk to WisDOT about the actual legality of the road itself.

Lucht said WSOR had submitted four grant applications to the State in February, including one for continuous welded rail (CWR) on the Oshkosh sub (Brandon to Ripon), one for a 2017 bridge replacement on the Monroe sub. He said lots of bridge work was needed on the Prairie, Madison, and Waukesha subs. Lucht said WSOR had also submitted for an application for a TIGER grant in April for work on the Prairie sub (WRRTC system) of about 36 miles of track and bridge work, a \$12.6 M federal grant with a 53% local match, including State funds. They anticipated a response by this fall.

On the Fox Lake sub, Lucht said CWR Phase 2 work was ongoing for 14 miles between Walworth County and the State line. He said this was the last phase of work on the sub between Janesville and the State line, replacing old 85 lb. rail and WSOR was hoping a grant for CWR would be approved for construction for next year.

Lucht said last year had been a strong one for WSOR and that continued into this year. Although there had been a loss of sand, gains had been made with grain unit trains and other commodities, although he noted that frac sand continued to move with the loading of a unit train every 6 days in Prairie du Chien going to North Dakota. He said it would not last forever but for now it was moving well.

He said there had been a derailment on the Prairie sub of a grain unit train with five cars derailed and a total of seven cars damaged. Preliminary analysis showed this was caused by sun kink. He said some grain had dumped into the Wisconsin River and the WDNR the involved. He noted that not a lot of grain was dumped. Lucht added that WSOR had applied for grant funding to get CWR on this sub 2 years ago to correct the old jointed rail.

Sweeney asked about a BNSF train derailment and whether WSOR was responsible for the clean-up. Lucht said WSOR was responsible for the clean-up based on their contract between the two railroads. Sweeney said the grain came from Avalon. Oscar Olson asked what the frac sand was used for and Lucht explained how the sand was used to help extract natural gas and oil.

Leon Wolfe asked if CWR was liable to sun kink. Lucht said it could happen but should not if it were properly installed. Ladewig asked Lucht about Watco's past year performance. Lucht said last year Watco did not meet their objectives, explaining how there were some pockets of losses due to major weather events, as well as changes in businesses. He said Watco was very healthy system wide but was going to be very aggressive this year. As a subsidiary, WSOR had had a good year.

11. Discussion and Possible Action on 2016 Capital Program of PRTC – Ken Lucht, WSOR

Lucht said he was still working on formulating the plan so would only present preliminary information today. He said the biggest priority in the southern district was installing CWR on the Fox Lake sub, a \$9.5 M project from Walworth to the State line. This project's timeline of 2-3 years was currently being discussed by the WRRTC. He said WSOR was also waiting for a WisDOT award and that WSOR was formulating their entire capital plan to deliver to WisDOT. He said there were about 38,000 cars going back and forth between Janesville and Chicago, which made the Fox Lake sub their most highly used sub, with about 70,000 – 75,000 cars round tripping per year. Lucht said the project did not include any bridge work. Instead they would remove the old 90lb jointed rail that was put in 100 years ago and replace it with 150lb CWR. He distributed a report which highlighted the flow of traffic via the PRTC system. He said in 2015 there were 4700 cars originating or terminating on the Monroe sub, with 43% of all those cars going to Chicago. He listed the primary commodities shipped in those cars: 3176 cars of grain which originated locally. Nine hundred sixteen cars left the Monroe sub bound for Chicago and 1259 cars terminated in Monroe with corn for the ethanol plant. Lucht noted the grain elevator that shuttled local grain to the ethanol plant (341 cars) had cars that never left the sub. He said all the outbound ethanol from Monroe went to Chicago via the Fox Lake sub, adding that 94% of the originating/terminating traffic on the PRTC system also traveled on the WRRTC. He shared this to help the Commissioners think about the relationships between the PRTC and WRRTC.

Wolter asked where the Chicago shipments went to. Lucht explained the route of the outgoing grain on different lines. Wolter asked if the Great Lakes Basin Transportation (GLBT) project would benefit the PRTC. Lucht said the Commission might want that as an agenda item. At this point, Lucht said WSOR was neutral on the GLBT.

Sweeney said Boone County had asked why a car could not unload at a different terminal and then move its load by truck. He said Boone had assumed it was 85% ethanol, and explained it was not blended ethanol yet so moving by truck was not feasible. Sweeney said he thought this showed the importance of the rail infrastructure in southern WI and thanked Lucht for his report.

12. WisDOT Report – Staff may include Kim Tollers, Rich Kedzior, Roger Larson Kim Tollers did not have anything to report.

13. PRTC Administrator’s Report –*Mary Penn, PRTC Admin.*

Penn distributed a handout of an email with photos taken by Green County Highway Department staff in Browntown. She said she had had a number of conversations with Oscar Olson and with the Village of Browntown on the issue of the replacement of the blocks due to the signs which had been installed late last year being pulled out. She said she had made a report to the Sheriff’s department and a Sheriff’s deputy had also spoken to Olson. It was after this that the Village complained that the work of the barrier replacement damaged the road. Olson noted that all the blacktop along the way was crumbling and there was no proof that the barrier replacement work by Mr. Lee McCarville and Mr. Ted Weigel had caused this damage. Penn said she saw no point in the Commission and Village talking about this issue anymore as the Commission had tried everything in its power to address the situation.

Ladewig asked the county board members of the Commission if this type of road (a state highway) was paid for by the county or by adjoining landowners. Weigel said he believed it was the Village’s responsibility at this point. Olson said the Village owned a little bit of road and then it went into the township. He emphasized that the Village was not unhappy about the blocks being put in. Sweeney thanked Olson and Weigel for their work. He said the condition was not documented before so there was no way to prove that the placement of the block broke the pavement. He suggested that the Village lay the issue to rest.

Phil Mrozinski agreed with Sweeney but wondered if the Commission needed to make a formal response. Penn said she would call the Village Clerk on Monday.

Kubly asked Lucht to present when he was ready and the Commission returned to Item 10.

14. Tri-County Trail Commission Report –*Presenters may include Leon Wolfe, Ted Weigel*

Leon Wolfe said the trail was in very good condition, having recently ridden it himself. He said it was graded, crowned, and had no potholes. He said Tom Jean and Jerry Heiman had checked upgraded it. Wolfe confirmed that two bridges had been fixed since January and the trail looked good, the best he had ever seen. Weigel said there was \$20,000 available from the WDNR to go towards the bridge work, filling in holes, and crowning and grading.

Wolfe asked who owned the parking lot property in Calamine. Weigel explained that the PRTC, giving the background on how the Commission had acquired the 3.4 acres via quit claim deed. Wolfe said there was bark and mulch currently stored there, but there had been a request to put fines (gravel) there.

Wolter asked if the Tri-County Trail Commission (TCTC) remove all the dead trees, etc. on the trail. Wolfe said they did, constantly and all year. Wolter then asked about farmers encroaching the ROW and what the TCTC did about it. Wolfe said the last time it had happened the TCTC had talked to the farmer, but added that nothing had been done about more recent encroachments. The Commission discussed the cost of fencing and whether signs were put in. Weigel said the TCTC had never put up signs. Wolfe said they farmed right up to the ROW, leaving, in some places, only about 20’ of ROW.

Mrozinski said he had been asked by a Mineral Point resident for a map of the trail. Weigel said there were maps available in Mineral Point. Anderson said maps might be found at the bars or at the Chamber of Commerce. Wolfe said the regular Cheese Country Trail map was in bars. Weigel said the map should also be online and there was a goodwill donation of \$1.00 asked.

Wolter asked if farmers kept using the ROW, did they need a lease as they were no different than anyone else. Kubly said he did not think the PRTC should get into the habit of leasing for agriculture. Weigel said a list had been put together of all the adjoining landowners noting the width of the ROW from the center of the grade. Wolfe said that was a responsibility of the TCTC. Eileen Brownlee said they could just send a letter with a tax bill that said these particular landowners were encroaching at their own risk. Wolfe said a warning letter could be sent first. Brownlee said she could send a draft of such a letter to Penn who could then forward it to the TCTC. She said this issue had come up before and added that the TCTC made sure to “keep their word”. Tollers asked for a copy of the letter as well.

Wolfe said sometimes because of the high railroad bank, nothing was ever planted but in some places it was right up to the trail.

15. Discussion and Possible Action Assessment Sharing Agreement –*Mary Penn, PRTC Admin., Eileen Brownlee, Corp. Counsel*

Penn gave the background on this Item, saying it had begun some years ago when the Working Committee began considering the possibility of Green County joining the WRRTC. Brownlee said when she looked at the charters of both commissions, nothing was in them that addressed whether or how the counties contributed when members of more than one commission. She said this document before the Commission today represented “what has been going on”, an “ad hoc” document. Sweeney asked about the payment cycle noted on #2 in the Agreement. He said as long as he had been serving, the member counties of two or more rail transit commissions

(RTC), those counties had always been able to pay to the RTC of their choice. He asked how this could work with #2 (shall pay) and #3 (shall not pay). Brownlee said this was intended to say what the counties were supposed to do. Sweeney asked if would be more simple to remove #2 altogether and say the county could contribute to whichever RTC they chose. Brownlee asked what would happen if WSOR had projects in two counties and two commissions and both needed money. She said this Agreement would resolve who got what. She said she needed to be preventive, asking what happened when there was a dual need. Brownlee said all this Agreement did was set up a schedule that could be used if needed. If it's "your year, it's your year". Sweeney asked about the use of the word "shall" in #2. Brownlee said that was language for the County, adding that the commission could direct the county how to pay.

Kubly asked if the WRRTC dealt with this. Ladewig said no. Anderson said this would present a budgeting nightmare with no income one year, next year with income. Brownlee said that was what existed now but the Agreement was a way to at least provide a schedule. Anderson said the PRTC budget said its contribution came from Green County this year. Brownlee said not all the counties needed to pay the same schedule each year. Anderson asked if the PRTC had bridges that collapsed and the Green contribution went to WRRTC, what the PRTC could do. Sweeney said all seven bridges on the Monroe sub had just been completed. Brownlee asked how would you know the Commission had the money. Anderson if this were changed, some things would not be fixed. Brownlee said counties like Iowa and Rock could stagger their contributions to their two commissions. She acknowledged that Lafayette County was not paying, but said Green could get into the mix. Anderson said that was his point, if the PRTC was absorbed into WRRTC, if those bridges fell down, everyone's money would be in the same pile. Brownlee asked if his intention was that the PRTC and the WRRTC make one commission. She said she would have to look at the possibility of that but warned that laws had changed since the 1980's when the commissions were first formed. Today it was illegal for RTC's to buy land out of state but the current Commissions were grandfathered in. Tollers asked when the laws had changed. Brownlee explained she had examined this issue when the SCWRTC was having problems with its trail in Illinois. Brownlee repeated that this Agreement was just an idea to address the situation as it currently exists and was designed to clear up the ambiguity. She said it was up to each commission to make up their minds.

Sweeney said this was a good document but he did not agree with the language in #2. He said #3 left it up to the county which commission they wanted to contribute to, which was like Green County was right now with. Brownlee said that was fine but what happened if the counties only contributed to the WRRTC. Sweeney said Green would still have that choice and if Green decided to contribute to the WRRTC, the capital investment for the PRTC for 1 year would be on hold. He said the capital improvements on the Monroe sub were ahead of schedule currently: certainly the infrastructure was being taken care of. Brownlee said what she was trying to avoid was Green County joining the WRRTC, Lafayette not paying, with Rock, Green, and Iowa paying into WRRTC and the PRTC getting nothing. Sweeney said WSOR still asked the commission for capital improvements and he did not think at this time that if a bridge collapsed that the commissions would not rally to support that. Brownlee said that was fine and in that case this document was not necessary. Sweeney said this really puts the situation in black and white, but #2's language of "shall" gave him trouble.

Ladewig suggested whether they could have it set up in an odd/even year format and edit #2's language. He suggested tabling this item based on whether Green County joined the WRRTC. At that point they would have to address this again. Kubly said speaking for himself, he could not see Green County joining unless there was some sort of agreement in place. Ladewig agreed. Kubly said he agreed with Sweeney on the language in #2 of the Agreement.

- *Motion to postpone action on the Assessment Sharing Agreement pending more information from WRRTC and consideration by the PRTC – Sweeney/Ladewig, Passed Unanimously*

Kubly said he thought this was a good idea. He said the PRTC was a branch line; the WRRTC a mainline and he thought it might be a good idea for the WRRTC to act first. Sweeney said he believed it was a good idea to have this in black and white. Ladewig asked if it were a conflict for the commissioners to be on more than one RTC. Brownlee said she did not think that was an issue.

Wolter asked if Green County's contribution could go towards township road bridges, not railroad bridges and did it always have to be spent on railroad improvements. Brownlee said it could be for a rail purpose, not a road purpose. Tollers said they could if the Commission owned it. Brownlee said the Office of Commission of Railroads and WSOR would have something to say if that occurred.

16. Discussion and Possible Action on 2017 Staff Service Agreement with SWWRPC – Mary Penn, PRTC Admin. Penn explained the SWWRPC was approving their own 2017 budget in June so she had been asked to have the PRTC approve her 2017 contract today, rather than wait until later in the year. She said the only change from last years' were the dates.

- *Motion to approve and authorize 2017 Staff Service Agreement with SWWRPC with PRTC Chair and Treasurer to sign – Ladewig/Thomas, Passed Unanimously*

17. Discussion and Possible Action on 2017 draft PRTC budget – Mary Penn, PRTC Admin.

Penn distributed the draft budget to the Commission, saying that it was slightly different as there was no longer a line item for \$5,000.00 for fencing as per Weigel’s request at last year’s adoption of the 2016 budget. She also said the interest amount was an estimate only, also based on last year’s budget. She said she would work more closely with Wolter on the next budget to have better numbers.

- *Move to approve 2017 PRTC budget amended to include adopted 2016 budget numbers, 2016 actual numbers, and proposed 2017 numbers with \$1400 moved to legal from capital improvements – Sweeney/Gustina, Passed Unanimously*

Ladewig wanted to know if it were possible to switch over \$1400 to legal expenses out of capital improvements as he was not sure wasn’t sure how we could balance if the legal fees are going to be more than what is budgeted. Wolter said he could give Penn interest amounts

18. Action Item - Adjournment

- *Motion to adjourn at 2:40 PM – Gustina/Weigel, Passed Unanimously*

DRAFT