

WRRTC JUNE 2022 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting – Friday, June 10th, 2022 at 10:00 am Waunakee Public Library

1. 10:03 AM **Call to Order** – Alan Sweeney, Chair

2. Roll Call. **Establishment of Quorum** – Matt Honer, Admin

Crawford	Carl Orr, 2 nd Vice Chair	Excused	Jefferson	Mary Roberts	X
	Mark Gilberts	Excused		John Kannard, Vice Secretary	X
	Tom Cornford	X		Kathy Bahner	Excused
Dane	Kevin Potter	X	Rock	Russ Podzilni	X
	Jeff Huttenburg, Treasurer	X		Tom Brien	Excused
				Alan Sweeney, Chair	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Gaile Burchill, 2 nd Vice Treasurer	Excused
	Robert Scallon, 1 st Vice Chair	Excused		Marty Krueger	X
				Tim McCumber, Alternate	X
Green	Harvey Kubly, 1 st Vice Treasurer	Excused	Walworth	Al Stanek	Excused
	Todd Larson	Excused		Richard Kuhnke, 2 nd Vice Secretary	X
	Kurt Schafer	X		Allan Polyock	Excused
Iowa	Charles Anderson, Secretary	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Kevin Peterson	X		Karl Nilson, 3 rd Vice Treasurer	Excused

Commission met quorum.

Others present for all or some of the meeting:

- Bridget Brown, WIDNR - Tom Lynch – City of Madison	- Lisa Stern, Todd Wojciuk – WisDOT - Alan Anderson, Pink Lady RTC.
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3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Honer.
 o Motion to approve meeting's public notice – Morris/Peper. Passed Unanimously.

4. Action Item. **Approval of Agenda** – Prepared by Honer.
 Sweeney asked for flexibility in the agenda, allowing item #15 to move into the meeting as presenters are in attendance.
 o Motion to approve the agenda with Item #15 moved ahead as able. Ranum/Podzilni. – Passed Unanimously.

5. Action Item. **Approval of draft May 2022 Meeting Minutes** – Prepared by Honer.
 o Motion to approve the May 2022 meeting minutes with minor grammatical corrections. Mace/Kuhnke. Passed Unanimously.

6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
 None

7. Updates. **Announcements by Commissioners**
 Krueger announced the Wisconsin River Trail Bridge workgroup met on the previous Monday to begin developing an RFP. The next meeting is July 6th.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – Huttenburg, Treasurer
 Huttenburg walked through the treasurer's report and cash flow statement. Huttenburg reported that interest being earned is increasing. Huttenburg reported there is one bill for approval from Boardman Clark for \$2,373.00. Anderson asked about the Janesville bridge project funds and if they have been spent. Huttenburg clarified that no project funding has been spent.

o Motion to approve the Treasurer's Report and payment of bills. Anderson/Cornford. Passed Unanimously.

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

Lucht reported the Reedsburg Sub. tie replacement project will be wrapping up this year and includes six crossing replacements. The Prairie Sub. continuous welded rail project, Crawford to Wauzeka, is on hold due to bids coming in higher than projected and WSOR will rebid it later this year or early next year. An executed grant agreement for the Merrimac Bridge is close to be completed and will include WSOR as project manager and it will be a 3-year build. The Janesville Bridge project is in negotiations with Union Pacific. Borden Rd in Boscobel Township will be closed in the coming days. This is being done for safety reasons and to accommodate two industry rail expansions. There will be a private crossing agreement at this location with the Town of Boscobel and one of the industries. Weed spraying is ongoing at the moment. Lucht stated that at the next meeting the 2021 Capital and Maintenance report and 2022-2024 plan will be presented. WSOR is working with UW-Extension to update the economic impact report for the WSOR system on the WRRTC as well as the other Rail Transit Commissions. Alan Anderson said he would be interested in looking at the numbers for specific industries as well as industry as a whole. Sweeney asked when the economic impact report would be completed, Lucht stated he would expect 6-9 months.

Lucht stated there are continued encroachments taking place within the corridor that he will be working with WisDOT on. Lucht stated he would like to present his Railroad 101 presentation at an upcoming meeting.

10. WisDOT Report – Stern - WisDOT.

Stern added that the Boscobel project will include bridge improvements for a pedestrian trail that made the project successful. Stern stated that WisDOT received a CRISI grant for a pedestrian bicycle /rail study to evaluate safety between these uses.

11. WRRTC Correspondence/Communications and Administrator's Report – Honer, Admin.

Honer provided an update that the OCR hearing for the Aurora St. Crossing in Middleton is suspended until the OCR reschedules. Honer was contacted by the assessor for the City of Fitchburg's S. Syene Rd Project, who was looking to do an assessment of the Commission's property. Honer provided the assessor with WSOR's Roadmaster contact information. Honer has been gathering materials for the Commission's insurance policy. Honer had a conversation with GoRail, a national freight rail lobby group and discussed their national initiatives which includes the elimination of at-grade crossings through the recent infrastructure bill.

Stern stated the new infrastructure law allows up to \$100k match per crossing but in Wisconsin, it is not possible to offer that much. Currently, WisDOT could go as high as \$30k match to what the railroad is providing.

12. Discussion and Action on Staff Services Agreement - Honer, Admin.

Honer presented the contract and explained that there is a 2% increase over previous years.

- *Motion to approve the Staff Services Agreement as presented. Krueger/Mace. Approved Unanimously.*

13. Update and Possible Action on WRRTC Insurance Policy. - Honer, Admin.

The item was removed from the agenda due to a lack of prepared documents.

14. Update and Possible Action on Offer-to-Use Agreement in Belden, Illinois. - Honer, Admin

In Belden Illinois, the WRRTC has an offer-to-use agreement with Nutrien Ag. Services for several buildings built partially on the railroad corridor. Nutrien sold the buildings and its own real estate to a neighboring property owner. At the last meeting, the Commission requested our counsel to send a letter to the new landowner informing them of the land ownership and responsibilities of the lease agreement with Nutrien. Prior to counsel sending a letter, the new owner of the adjacent property had an attorney send a letter to the Commission informing the Commission that negotiations are over and that his client is claiming adverse possession.

Honer believes the primary hold up to having the new landowner enter into a lease agreement with the Commission is the requirement to have a fence delineate the property until such time as the new owner secures a rail user for the encroaching buildings. The Commission can consider renegotiating this term with the adjacent landowner to see if an agreement can be made.

Lucht stated that without a fence the individual will trespass on the property and will damage the Commission's property and create liability for the Commission and WSOR. Ranum asked if the doors could be blocked. Huttenburg explained that property disputes such as this continue until one party decides its time to go to court. Mace asked about how long the buildings have been there and with the lease if Nutrien owes the Commission money. Honer responded that the buildings have likely been there for over 50 years and have had a lease agreement for all of that time.

Lucht suggested the Commission could consider a temporary fence as opposed to a more permanent fence. Roberts asked about the Commission's ability to seek compensation for the damages that are being caused by trespass.

- *Motion to allow Honer to negotiate with the new landowner regarding the conditions of a lease agreement. Sweeney/Peper. Approved Unanimously.*

15. Discussion and Action on access easement for Glacial Drumlin Trail – Stern, WisDOT.

In 2016, the City of Madison came to the Commission looking to use some of the rail corridor underneath I-39 (Cottage Grove Sub.). WisDOT received a new proposal from the City and County to either sell or provide an easement for the corridor. Stern stated that any agreement would require a revision clause that brings the corridor back to WisDOT.

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Bridget Brown, WIDNR, reported that 40 years ago the WIDNR purchased the first segment of the Glacial Drumlin Trail and it has been unable to connect into the City of Madison since then. The area in question would allow the meeting of Capital City Trail and the Glacial Drumlin Trail. The current operating agreement allows for the sale of the corridor to WIDNR. The area is 336' long and 26' wide. Brown explained the trail/rail design would be similar to that of the Capital City/ State Trail by Nob Hill Rd under the beltline, which is grade separated. Chris James, Dane County Parks, stated an elevated trail will help prevent pedestrian and trail user access to the rail corridor. James showed the current unsafe route that bicyclists must use to connect to the Glacial Drumline Trail. Stern added there is a lot of trespassing taking place in this location at the moment, so the proposal will make this currently unauthorized use safer. WisDOT is amenable to the proposal but requires WRRTC concurrence. Peper clarified WIDNR will be the owners if WisDOT sold the land.

Lucht stated WSOR is open to the proposed path, but have not had discussions recently. WSOR would like to see fencing along the entire parallel corridor as the connection will encourage additional people into the rail corridor area. WSOR is also looking for indemnification and there are potential additional issues with capacity in Dane County to build additional passing tracks on the corridor. Lucht clarified the timeline for widening of the I-39 is 2027. Brown stated that in this location, the operating agreement allows a small piece of the corridor to be sold and that would take away the liability exposure of WSOR. James stated in other locations the construction of a trail has protected the railroad corridor and protected the public from the corridor. Lucht stated WSOR is not comfortable agreeing to the trail today but is very open to continue discussions with WIDNR and WisDOT.

Mace asked what the existing grade of the area is and how much would need to be cut out of the embankment to accommodate the trail. Brown clarified there would be a modular block retaining wall to accommodate the 12' trail. Brown highlighted a few examples of the fencing to be used and WIDNR is open to negotiating.

Stern is seeking concurrence and offering the first right of refusal to WRRTC. Stern stated WisDOT is looking at either an easement or selling the land. Selling the land will remove all liability to the Commission, WSOR, and WisDOT. Stern also clarified that the reversion clause would ensure the property could be used for rail use in the future.

Sweeney asked if our concurrence could include conditions for fencing and a reversion clause. Brown reported that all conditions could be recorded.

- *Motion to postpone action for two months until WSOR and WisDOT can return with an agreement. Peper/Kannard. Approved Unanimously.*

16. Adjournment.

- *Motion to Adjourn at 11:18 am. Cornford/Sweeney. Passed Unanimously.*