

WRRTC JULY 2022 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting – Friday, July 8th, 2022 at 10:00 am Hill Farms State Office Building, Madison, WI

1. 10:00 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Matt Honer, Admin

Crawford	Carl Orr, 2 nd Vice Chair	X	Jefferson	Mary Roberts	X
	Mark Gilberts	X		John Kannard, Vice Secretary	X
	Tom Cornford	X		Kathy Bahner	X
Dane	Kevin Potter	X	Rock	Russ Podzilni	X
	Jeff Huttenburg, Treasurer	X		Tom Brien	X
	Jim Bolitho	X		Alan Sweeney, Chair	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Gaile Burchill, 2 nd Vice Treasurer	X
	Robert Scallon, 1 st Vice Chair	X		Marty Krueger	X
				Tim McCumber, Alternate	X
Green	Harvey Kubly, 1 st Vice Treasurer	X	Walworth	Al Stanek	Excused
	Todd Larson	X		Richard Kuhnke, 2 nd Vice Secretary	Excused
	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	X

Commission met quorum.

Others present for all or some of the meeting:

• Rich Kedzior, Todd Wojciuk – WisDOT	• Ken Lucht, WSOR.
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3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Honer.
 - Motion to approve meeting's public notice – Nilson/Morris. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
 - Motion to approve the agenda. Podzilni/Burchill. – Passed Unanimously.
5. Action Item. **Approval of draft June 2022 Meeting Minutes** – Prepared by Honer.
 - Motion to approve the June 2022 meeting minutes with minor corrections. Mace/Huttenburg. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
None
7. Updates. **Announcements by Commissioners**
Tom Brien, Todd Larson, and Jim Bolitho introduced themselves as new members on the Commission.
8. Election. **Election of 3rd Vice Treasurer** – Sweeney, Chair.
 - Motion to nominate Dick Mace as the 3rd Vice Treasurer. Nilson/Cornford.
 - Motion to close nominations. Morris/Kannard. Passed Unanimously.

REPORTS & COMMISSION BUSINESS

9. **Discussion and Action on 2022-2023 General Liability Insurance** – Honer, Admin.
Nilson asked what Terrorism Coverage covers. Anderson stated that Terrorism losses need to be over \$5M in order for a claim to be made. Kannard asked if the Commission would be covered if someone blows up a bridge, it was believed that if it was determined an act of terrorism, the Commission would be covered if it had terrorism coverage. Ranum asked for clarification on the invoice line item called "Surplus Lines Tax." Ranum wanted to ensure that this is not a government tax that the Commission is exempt from. Anderson clarified that "Surplus Lines Tax" does not refer to government taxation but rather refers to a surcharge of the insurance companies due to the policy being segmented.
 - Motion to accept the renewal premium without the terrorism coverage. Anderson/Orr. Passed Unanimously.

10. WRRTC Financial Report – Huttenburg, Treasurer

Huttenburg presented the treasurer's report and three bills for payment, the total of which would be over what we have in our checking account. Huttenburg identified that WSOR did pay its 3rd quarter rent, although it is not reflected in the treasurer's report, so there are funds available in the checking account to cover the three bills. Huttenburg reported that the Commission own 11.6 acres of land in Lake County Illinois and 181.34 acres of land in McHenry County that we are taxed on.

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

11. Discussion and Action on 2023 Draft Budget – Honer, Admin. and Huttenburg, Treasurer.

Honer and Huttenburg explained and presented the budget. Mace asked if something were to come up, where the funding would come from. Huttenburg stated that the Commission does have funds available in its checking account and the 2022 county funding is not designated towards a capital improvement project, so it could be used. Lucht stated WSOR is ok with the increase in its lease amount but does have concerns if the Commission's operating expenses were to increase for reasons other than railroad.

- o *Motion to approve the Draft 2023 Budget. Huttenburg/Mace. Passed Unanimously.*

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

Lucht stated Borden Rd. was closed with cooperation from the Town and City of Boscobel. It will be a private crossing for the industry. It was done with the assistance of the cash incentive program of closing private crossings, WisDOT offers up to \$30k for closing a crossing, and WSOR will match WisDOT's contribution.

Lucht reported Hatchery Rd is WRRTC owned but the Village of Spring Grove continues to maintain and improve the road. WSOR is going to request the Village to stop maintaining the right-of-way and remove the beautification items. Nilson stated there are pictures of the clean up work and the driveway, which can also provide evidence. Ranum asked if the maintenance of the road will offer the village an adverse possession argument. Huttenburg said it will come down to who gets tired of arguing and wants to litigate the matter. Honer stated the Commission's attorney suggested a letter from WSOR as the Commission's agreement with WSOR requires WSOR to prevent and address trespass. Reimann asked who pays taxes on the property. WSOR is paying the taxes on the property.

Lucht reported there was an incident in McFarland, where a village-owned backhoe was stuck on the tracks, which resulted in a crash with \$5-6k in damage to the engine and totaled the backhoe. The Village of McFarland will be compensating WSOR for damages. Orr stated that he sees regular trespass and works to redirect trespassers in Prairie du Chien.

Lucht stated WSOR is hiring.

13. WisDOT Report – Stern - WisDOT.

Kedzior stated a signed grant agreement was received from WSOR for the Merrimac bridge and the consulting engineer stated they will be going to bid at the end of July and it will be open until late September. WisDOT has agreed to hire a consultant/project manager for the project.

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

Honer reported the website is up and running but there are no files on it yet but Honer will be adding documents over the next month. Honer stated that the Waunakee library is not available for Commission meetings for the rest of 2022, but the Commission has reserved its 2023 meeting dates. Honer stated that he will send out a poll on meeting location preference for the remainder of 2022. Huttenburg stated the OCR has set a scheduling order for the Aurora Street Crossing in Middleton, which allows all parties to submit documentation and rebuttals, this will be followed by a conference. Honer stated he submitted testimony with the assistance of Eileen Brownlee on behalf of the Commission.

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

Honer gave an overview of the negotiations and the desire of prospective lessee to obtain additional access to the Commission-owned right-of-way. A map was provided to the Commission identifying the additional areas where the lessee would like to access. Lucht stated the proposal is a nonstarter because the area is only 8 ft from center of the industry side-track. There is gravel built up on the trackage that allows the lessee to access the railroad corridor. WSOR will remove the gravel access and park railroad cars on the industry spur, which will prevent future trespass. The Commission determined no further action or response was needed.

16. Brief overview and discussion of WRRTC Charter. - Honer, Admin.

Honer explained he wanted to offer the Commissioners time to review and ask questions about the Charter. He highlighted several aspects of the charter and hopes to do this with all of the Commission's "foundational" documents as time allows.

17. Presentation and Discussion of 2022-2024 Capital and Maintenance Report from WSOR. – Ken Lucht and Roger Schaalma, WSOR.

Lucht presented the Capital and Maintenance Report from WSOR.

Orr asked who maintains the crossing interchange with BNSF near Prairie du Chien, Lucht stated it's a mutual responsibility between the WSOR and BNSF. Sweeney asked for an explanation of classification and track. Lucht explained it goes from "Accepted" to Class 6 with "Accepted" or "Class 1" being the minimal amount of maintenance provided, which would allow a maximum of 10 mph. Class 2 (25 mph) is the standard on the short line system. Class 4 – 6 track is more common with passenger rail and has 130# Continuous Welded Rail. In terms of operator class, WSOR is a short line/regional carrier and would be considered a class 2 operator as opposed to a class 1 operator which is a national carrier. Nilson stated that the higher the number of the class of track, the faster you can go and the lower the number of the class of operator means how big they are. Lucht

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clarified that the class of operator is based on the amount of annual revenue and number of miles operated. Lucht stated that WSOR is one of the larger regional/short-lines in the country.

Peper asked what is included in grade crossing upgrades. Lucht stated it is surface improvements at road crossing. Peper asked about the cost of maintaining the safety systems and Lucht stated he can provide those numbers. Anderson asked if the trackage north of the Merrimac bridge will be improved once the bridge is completed. Lucht stated they have an application out for improvements on the Reedsburg sub from Devil's Lake to Reedsburg.

Bolitho asked about the number of broken rails identified per year. Lucht stated he doesn't have the actual numbers but expects it to be around a dozen on the entire WRRTC-owned system.

18. Adjournment.

- *Motion to Adjourn at 11:19 am. Cornford/Kannard. Passed Unanimously.*