

WRRTC SEPTEMBER 2022 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting – Friday, September 9th, 2022 at 10:00 am Sauk Prairie Police Station, Prairie du Sac, WI

1. 10:02 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	X		John Kannard, Vice Secretary	X
	Tom Cornford	X		Kathy Bahner	X
Dane	Kevin Potter	Excused	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	Excused		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	X
	Kurt Schafer	X		Allan Polyock	Excused
Iowa	Charles Anderson, Secretary	X	Waukesha	Dick Mace, 3 rd Vice Treasurer	X
	Kate Reimann	X		Richard Morris	X
	Kevin Peterson	X		Karl Nilson	Excused

Commission met quorum.

Others present for all or some of the meeting:

- Bridget Brown, WIDNR - Brian Desmond, Sauk County Corp Counsel - Lisa Wilson, Sauk County Land Resources and Environment	- Ken Lucht, WSOR. - Chris James, Dane County. - Alan Anderson, Pink Lady RTC.
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3. Action Item. **Certification of Meeting's Public Notice – Noticed by Honer.**

- Motion to approve meeting's public notice – Schafer/Podzilni. Passed Unanimously.

4. Action Item. **Approval of Agenda – Prepared by Honer.**

- Motion to approve the agenda. Kuhnke/Brien. – Passed Unanimously.

5. Action Item. **Approval of draft August 2022 Meeting Minutes – Prepared by Honer.**

- Motion to approve the August 2022 meeting minutes with minor corrections and clarifications. Mace/Morris. Passed Unanimously.

6. Updates. **Public Comment – Time for public comment may be limited by the Chair.**

None

7. Updates. **Announcements by Commissioners**

Cornford and McCumber thanked Lucht for his WSOR presentation to their county boards.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report – Huttenburg, Treasurer**

Huttenburg presented the treasurer's report. There was one bill for approval to Boardman and Clark for legal services in the amount of \$3,612.00. Larson asked if Huttenburg was ok with the funds in the checking account. Huttenburg stated he was for now as he expected additional revenue.

- Motion to approve the Treasurer's Report. Anderson/Mace. Passed Unanimously.

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

WSOR is finishing the tie and crossing project on the Reedsburg Sub. with only the Ingersoll St., crossing to complete. WSOR is opening bids at the end of September for the last phase of the Merrimac bridge project. Brush cutting is taking place at the moment. Maintenance tie work is taking place on the Madison Sub. (between Janesville and Madison). Brien asked about development taking place in Janesville and if it will affect WSOR. Lucht stated the development is taking place on the UP track, but it is possible that it will impact WSOR. Peper asked if Lucht knows how many bids are expected on the Merrimac Bridge and if there are protections on overruns. Lucht stated it needs to be worked out as part of the multiple

WRRTC SEPTEMBER 2022 MEETING MINUTES – APPROVED

funding sources that are funding the bridge work. Sweeney asked about a UP derailment in Iowa. Sweeney asked if it is common for a derailment to cause a bridge failure. Lucht stated that it does happen, but the investigation is not complete in Iowa. WSOR now installs CWR on all bridges to adjust for the joint.

10. **WisDOT Report – Stern - WisDOT.**

Stern was not able to attend the meeting but provided an update to Honer to provide to the Commission. Honer reported that Todd Wojciuk left Rails and Harbors Section, and WisDOT is in the process of hiring three other positions. WisDOT Rails and Harbors (RHS) has hired oversight for the Merrimac Bridge project and environmental review for the Janesville Bridge Project. FRPP & FRIIP 2023 awards are approaching finalization.

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

Honer provided an update on the Office of Commissioner of Railroads (OCR) Briefing Schedule regarding the Middleton Center/ Aurora St. Crossing. Honer stated that he expects the process to continue to late November.

12. **Discussion and Possible Action regarding recreation bridge over the Wisconsin River in Sauk City – Krueger, Sauk County.**

Krueger introduced the draft Request for Proposals (RFP) and Qualifications Based Selection (QBS) documents. Honer stated that he spoke with the Commission's Corp. Counsel to manage the scope of this project that involves the Commission. Honer stated the Commission has three primary responsibilities with this project: (1) to ensure the right-of-way is not severed until WisDOT, WSOR, and WIDNR move forward with filing an interim trail use application with the Surface Transportation Board (STB), (2) to concur or take action on the notice for interim trail use of the corridor, and (3) to negotiate the sale and removal of the infrastructure it owns (Rails, Ties, Bridge components) within the corridor. Honer stated that does not stop the Commission from taking action today on the RFP and QBS presented by Sauk County.

Bridgit Brown (WIDNR) stated the project would be handled similarly to the projects north of the river through Sauk City, Prairie du Sac, and the former Badger Army Ammunition Plant. WIDNR is willing to take on responsibility for the trail corridor. Lucht reported WSOR will only be doing one more filing to the STB for interim trail use. WSOR is only interested at this point in trail use going to County Highway Y. Chris James stated Dane County is still interested in moving the point of trail use to Racek Rd.

Krueger stated the workgroup involved in the project has been inclusive of all stakeholders and the group intends to approve the draft RFP at its September 15th meeting. The workgroup has an aggressive goal to start construction in late spring/summer of 2024. Krueger explained the substructure of the bridge is being designed to American Railway Engineering and Maintenance-of-Way Association (AREMA) standards, so if rail needs to return to the corridor the bridge can be converted to accommodate rail use and it will not sever the railroad corridor.

Brian Desmond, Sauk County Corp Counsel, reported the work group has worked for about three months to develop the RFP and QBS. The plan is to have the RFP out by the end of September. Sauk and Dane Counties have contributed funding to the engineering, architecture, and documentation phase of the bridge. Sauk County is taking the lead on this part of the project. Desmond expects permitting to be a significant aspect of the project as working in and around water requires a lot of permits from WIDNR and the Army Corps of Engineers.

Bahner asked about the possibility of rail returning to the corridor as it is likely to have a financial impact on the construction of the recreational bridge. Honer clarified the Commission's interest is to protect the corridor and is not paying for the recreational trail. Krueger explained that Sauk County has assessed the risk of rail returning to the corridor, acknowledged the possibility, and determined to move forward with the investment in the trail and bridge. Bolitho asked about the additional cost of the bridge because of the rail requirements. Chris James stated that due to the river current and ice collision, the requirements of the piers for a railroad vs recreational bridge is minimal in the scope of the project. Honer explained that if the corridor is not protected for the potential and eventual return of rail, the corridor will not exist as a railroad corridor or as a recreational corridor, so if Dane and Sauk Counties want a trail to exist – it needs to be done with expectations of the possibility of rail returning. Bolitho stated that the bridge is unique because there is no private ownership adjacent to it over the river. Honer explained that if the bridge severed the corridor at the bridge, everything north of the bridge would no longer be railbanked as it would be disconnected from the national rail system.

Huttenburg clarified there is no financial commitment from WRRTC and believes the RFP is in agreement with the Commission's Charter based on preserving the potential for rail service. Mace asked if there needs to be a formal agreement for the Interim Trail Use. Brown clarified that when WisDOT and WSOR file the Notice for Interim Trail Use, those agreements will be in place. Krueger stated Sauk and Dane Counties are putting at least some of the infrastructure in place if the corridor were to ever be used for rail again, in return, they are being allowed to use the corridor for trail use.

Larson asked when language from counsel will be added to ensure the Commission's full agreement with the interim trail use. Honer stated that WSOR, WisDOT, and Dane County need to determine the mile points for the interim trail use and draft a notice to the STB. At that point, they will ask the WRRTC to concur with the notice to the STB. The WRRTC's Corp Counsel will review this notice and any subsequent agreements during that process.

- *Motion to concur with the RFP for the recreational trail Bridge over the Wisconsin River. Morris/Anderson. Passed Unanimously.*

13. **Discussion and Action on Attachment 15 to Operating Agreement. - Honer, Admin.**

Honer presented the attachment. The attachment establishes the rental agreement with WSOR for the upcoming year. It gets updated following the adoption of the budget each year. Bolitho asked for the basis of the rent. Huttenburg stated the intention is for WSOR's rent to cover the administrative costs of the WRRTC.

WRRTC SEPTEMBER 2022 MEETING MINUTES – APPROVED

- Motion to approve Attachment 15 to the Operating Agreement. Mace/Ranum. Approved Unanimously.

14. Discussion and Action on Highway Easement for Lacy Road in the City of Fitchburg. – Honer, Admin.

Honer presented the easement for discussion. He stated that the City is looking for a legal status of the road after the OCR approved the expansion of the road. He stated that the Commission's Corp Counsel reviewed it but the exhibit is not accurate.

Mace asked about signals and utilities. Honer stated that signals are the responsibility of WSOR. The lights are considered utilities and the Commission provided utility permits. Neither of these issues affects the Commission's budget. Stern had clarified at the last meeting that signals are primarily handled with WSOR and the OCR and recommended the Commission not get involved with signals. Kannard stated he does not feel comfortable with the exhibit that is being included. Bolitho and Larson agreed.

- Motion to postpone to the October 2021 meeting to clarify the exhibit. Peper/Bolitho. Approved Unanimously.

15. Discussion and Possible Action on Temporary Access Permit (TAP) for Utility work in the City of Fitchburg – Honer, Admin.

Honer explained the Commission approved the utility permits for the work. The permit insures that WRRTC and WSOR are property insured and indemnified, and the contractor is working with WSOR on flagging operations. Honer stated that he has not received a final payment. Lucht identified that the insurance policy expires prior to the TAP. Honer stated he will request this be changed.

- Motion to approve the temporary access permit conditional on receiving the permit fee and the appropriate insurance. Peper/Bolitho. Approved Unanimously.

16. Discussion and Possible Action on Glacial Drumlin Trail. – Brown, WIDNR and Lucht, WSOR.

Brown stated WIDNR has been working with WisDOT on terms for an agreement. WIDNR and WisDOT would enter into an agreement that would give WIDNR the ability to finalize the language.

Lucht stated that WSOR received 60% design plans and provided comments and made a site visit. WSOR's comments discussed fencing, signage, drainage, vegetation, at-grade crossings, timing, and future phases.

Lucht stated Dane County has had an increase of eight new crossings over the last ten years, which are a safety concern and a concern for industry and siding capacity. Lucht stated that once the I-39 overpass is reconstructed the trail will be relocated outside of the railroad right-of-way, and WSOR is wondering if the trail can wait until then. Lucht also stated that WSOR is concerned about the change in process in the instance where concurrence is no longer needed from WRRTC and WSOR.

Brown stated that WIDNR, Dane County, and the City of Madison are committed to working with WSOR and the Commission. Brown stated there would be no new crossings created in this location. Brown clarified that there is no timeline for the I-39 project as of yet, but believes it would not take place for over 3- 4 years or even longer from now. Huttenburg visited the site and there were discussions about fencing and grade separations to protect the public. Huttenburg stated it would be best to await the final plan set to see how the issues WSOR has brought up are being addressed. Brown and James stated the county, city, and WIDNR cannot move ahead with 100% plan sets without having a landowner agreement but can incorporate the requested design from WSOR and WRRTC with conceptual approval.

Honer stated WisDOT has taken the position they do not need Commission or WSOR approval for the trail use of the corridor, and the Commission's counsel has agreed with WisDOT. Honer stated the Commission's approval is not required for the county or WIDNR to move ahead with 100% plans. The Commission and WSOR can provide comments once nearly final plans are completed. Ranum stated he does not believe the trail use may not be very temporary considering the outlook of I-39 improvement. So it is possible it may be more permanent than what is being presented. Ranum also believes the letter from WSOR appears to be reasonable and suggests the Commission agrees with WSOR's letter.

Mace stated that he would not agree to any type of action that approves this path with partial plans. Mace stated that it appears that at every meeting, the Commission is talking about trespass. Mace asked why alternative routes have not been presented and explored. Brown stated that at the prior meeting WIDNR and WisDOT noted they have been working for 20 years to find alternatives but have not found any alternatives to be feasible.

- Motion to endorse WSOR's letter dated August 31st on this matter, and ask for the final plan set in order to address the remaining concerns and questions. Ranum/Podzilni. Approved Unanimously.

17. Presentation, Railroading 101 – Lucht, WSOR.

Lucht presented key items and current events in the railroading industry as well as how the WSOR operates.

18. Adjournment.

- Motion to Adjourn at 12:16pm. Peper/Cornford. Passed Unanimously.