

WRTC OCTOBER 2022 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting – Friday, October 7th, 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	Excused
				Jeff Smith, Alternate	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	Excused		Marty Krueger	X
				Tim McCumber, Alternate	Excused
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	Excused	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:

Lisa Stern, Rich Kedzior WisDOT	- Ken Lucht, WSOR. - 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 – Kuhnke/Kannard. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
 - Motion to approve the agenda. Burchill/Kannard. – Passed Unanimously.
5. Action Item. **Approval of draft September 2022 Meeting Minutes** – Prepared by Honer.
 - Motion to approve the September 2022 meeting minutes with minor corrections and clarifications. Mace/Roberts. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
None

7. Updates. **Announcements by Commissioners**

Mace asked for signage for the public to know. Richard Morris announced the Train Fest is November 12 & 13th in Milwaukee.

REPORTS & COMMISSION BUSINESS

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

Huttenburg presented the treasurer's report. There were no disbursements or receipts in the month of August. Huttenburg stated that as Federal Reserve raises interest rates, the Commission receives additional interest each month. Huttenburg presented an invoice for payment to SWWRPC for Q3 management.

- Motion to approve the Treasurer's Report. Nilson/Orr. Passed Unanimously.

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

Lucht reported the Reedsburg Sub tie project is coming to a close with the final two grade crossings being finished in Madison. WSOR upgraded two crossings in Middleton and one in Lone Rock. On the Madison Sub, WSOR is finalizing a 10,000-maintenance tie project. The Madison Sub. had a major tie project in preparation of a Continuous Welded Rail (CWR) project in the mid-2000s, so the corridor now requires maintenance ties. WSOR received bids for the final phase of the Merrimac Bridge project. All bids were over budget so WSOR will be having discussions with WisDOT. Lucht

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stated trespassing is still taking place on the corridor at Middleton Center, so WSOR sent a letter to the property manager to let them know not to pile snow in the corridor and to stop mowing the corridor. Clasen Quality Coatings' new facility in Milton will be operational in about a year and WSOR will be providing training for Clasen's employees in Milton as well as in Watertown. Lucht provided a presentation to Green County in September. Lucht stated that WSOR is working with the City of Stoughton on ownership and maintenance of the spur to the industrial track, as the organization that purchased the spur and installed it no longer exists.

Orr asked if Lucht knows when the new interchange at Crawford will begin. Lucht expects it to begin sometime next year as BNSF is still working on land acquisition. Huttenburg asked how much the bids for the Merrimac Bridge were over budget – Stern stated the bids came in around \$19M and the budget was about \$13M. Sweeney informed Lucht of trespassing taking place with people scavenging the used ties on the Madison Sub. Lucht stated that they will have crews coming to clean them up.

10. WisDOT Report – Stern - WisDOT.

Stern stated Rails and Harbors Section hired a new grade crossing specialist engineer and a new financial specialist. WisDOT advertised the passenger rail specialist position this week. The department is awaiting approval to refill the real estate specialist position. Kedzior provided a reminder that WisDOT's freight rail conference is on November 15th. Kedzior stated registration will be sent out to Commissioners shortly.

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

WRRTC offered a response to the City of Middleton's Brief on the OCR hearing regarding the Aurora St. crossing. The City of Middleton has another opportunity to respond to the responses of WSOR and WRRTC. Honer provided updated RTC maps. Mace asked if other railroads can be added. Stern stated the 2023 map will be sent out in the coming months. Honer stated he has heard from Commissioners their preference is to continue to meet at Hill Farms as opposed to Waunakee. Peper asked if there will be parking passes. Kedzior stated WisDOT has limited validations and it will need to be an expense to the counties.

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

Honer reported this matter came before the Commission in August and September. At the last meeting, the Commission stated asked for a document with a clearer exhibit. Honer has been working with the City to have a clear document that simply has the area of the easement identified both on the exhibit and through metes and bounds. Honer distributed the draft to the Commissioners.

Bolitho asked about the process to approve construction work within the corridor. Honer stated the Commission will approve construction measures through a Temporary Access Permit.

- *Motion to approve the Highway Easement agreement with the City of Fitchburg contingent on the commission's counsel review and clearer reference to "Exhibit A". Kannard/Huttenburg. Passed Unanimously.*

13. Discussion and Possible Action on Lease Agreement in Belden, Illinois. - Honer, Admin.

The Commission's latest concessions regarding the fencing and insurance was offered to Mr. Popenhagen, who then had other issues with the agreement. Specifically, Mr. Popenhagen is requesting the commission remove provisions for Surrender, Clearance, and Liquidated Damages – meaning the Commission would have no recourse to remove the building or receive damages if Mr. Popenhagen did not follow the agreement. The Commission's attorney stated these requests are not acceptable. Honer stated the administrative attempt to resolve the matter has ended. Honer stated the Commission now has a decision to make to either allow the continued trespass of Mr. Popenhagen and the unpermitted buildings on WRRTC-owned property or meet in closed session at the next meeting to discuss options.

- *Motion to postpone agenda item for a closed session at the November 2022 meeting. Krueger/Huttenburg. Approved Unanimously.*

14. Presentation and Possible Action on WSOR Locomotive Shop – Lucht, WSOR.

Lucht stated the existing locomotive shop was built by the Milwaukee Road in 1905. It is in very poor condition and small repairs are keeping it useable but it is outdated. To do heavy repairs, WSOR is required to shuttle locomotives from Janesville to Horicon. The existing building is highly inefficient. The WSOR was profitable over the past few years and wants to invest that profit back into the system. Lucht stated Janesville is an ideal location for the locomotive shop because it is a central location and has corresponding rail operations taking place. The new building will offer safer and more efficient operations. Two new tracks would enter the new locomotive shop. WSOR has hired a local contractor to guide them through design, engineering, and construction. Lucht explained this would be considered New Improvement and requires the commission's approval. WSOR will repurpose the old roundhouse and can still use it, they will not be tearing it down.

Nilson asked about the continued use of the turntable. Peper asks about the timeline and cost. Lucht stated it's a two-year project to begin in 2023. WSOR will be making a down payment on the building yet this year and the building is expected to be completed in 2024. The estimated total cost is approximately \$6.1M. Sweeney asked about the City of Janesville's response to the project. Lucht stated the City is enthusiastic about the project and the project will go through all of the property permitting.

Mace asked about the drop pits. Lucht confirmed there would be two drop pits. Peper asked about grants. Lucht stated that it is unlikely the project will qualify for state or federal grants.

- *Motion to concur with WSOR's proposal for a new locomotive shop. Krueger/Orr. Approved Unanimously.*

15. Adjournment.

- *Motion to Adjourn at 10:49 am. Cornford/Kannard. Passed Unanimously.*