

WRRTC JUNE 9, 2023 MEETING MINUTES – APPROVED 7/7/2023

Wisconsin River Rail Transit Commission Commission Meeting – Friday, June 9, 2023 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 – Misty Molzof, Admin**

Crawford	Carl Orr, 2 nd Vice Chair	Excused	Jefferson	Mary Roberts	Excused
	Mark Gilberts	Excused		John Kannard, Vice Secretary	X
	Tom Cornford	Absent		Kathy Bahner	X
				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	Excused
	Robert Scallon, 1 st Vice Chair	X		Marty Krueger	X
				Tim McCumber, Alternate	Excused
Green	Harvey Kubly, 1 st Vice Treasurer	X	Walworth	Al Stanek	Absent
	Todd Larson	Excused		Richard Kuhnke, 2 nd Vice Secretary	X
	Kurt Schafer	Excused		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, 19 of 30 Commissioners present at start of meeting, 2 commissioners arrived during the meeting, total 21 voting members.

Others present for all or some of the meeting:

- Misty Molzof, SWWRPC - Lisa Stern, WisDOT - Ken Lucht, WSOR - Heather Graves, OCR	- Sara Rigelman, WI DNR - Chris Hady, Columbia County Highway - Kim Tollers, Eight and Consulting and Engineering - Chris James, Dane County Parks
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3. Action Item. **Certification of Meeting's Public Notice – Noticed by Molzof.**
 - Motion to approve meeting's public notice – Mace/Morris. Passed Unanimously.
4. Action Item. **Approval of Agenda – Prepared by Molzof.**
 - Motion to approve the agenda changing item 17 to item 8a. Kuhnke/Reimann. – Passed Unanimously.
5. Action Item. **Approval of draft May 5 Meeting Minutes – Prepared by Molzof.**
 - Motion to approve the May 5, 2023 meeting minutes as presented. Mace/Scallon. Passed Unanimously.
6. Action Item. **Commissioner Elections.**
 - Chair Motion to approve Sweeney as Chair. Mace/Scallon. Passed Unanimously.
 - Vice Chair Motion to approve Scallon as Vice-Chair. Ranum/Krueger. Passed Unanimously.
 - 2nd Vice Chair Motion to approve Orr as 2nd Vice-Chair. Scallon/Kuhnke. Passed Unanimously.
 - Treasurer Motion to approve Huttenburg as Treasurer. Sweeney/Anderson. Passed Unanimously.
 - Vice Treasurer, 2nd Vice Treasurer, Secretary. Vice Secretary, and 2nd Vice Secretary Motion to approve Kubly as Vice Treasurer, Burchill as 2nd Vice-Treasurer, Mace as 3rd Vice-Treasurer, Anderson as Secretary, Kannard as Vice Secretary, and Kuhnke as 2nd Vice Secretary. Ranum/Potter. Passed Unanimously.

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

Lisa Stern, WisDOT read an email from Francis Schelfhout, WisDOT SW-Region, Systems Planning and Operations, Urban Regional Planner – Bicycle/Pedestrian Coordinator:

“First, if we eliminate the grade separated crossings – Chestnut Street will effectively add approximately 1,400-feet of redirection. Most pedestrians, will not walk or ride a bike that far out of their way, so an increase in trespass crossings would likely occur. Mill Street is definitely harder to justify as there is no pedestrian facilities on either side, immediately adjacent to the crossing, but it would add

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approximately 550-feet of redirection. The Mill Street crossing also seems to have less grade differential, so the travers ability of this trespass crossing is more comfortable. There is significant destinations on both sides of the railroad including Goeres Park and the Elementary School along with other destinations.

Because these both provide pedestrian/bicycle crossings, TAP Program funding could be pursued. This would provide 80% Federal and 20% Local Cost Share splits with the local cost share being split multiple ways as they describe in their letter to the benefit of all three entities based on the paragraph above.

Finally, I think we have to be aware of/inform the local municipalities of the Federal Code of Regulation that provides “Prohibition of Route Severance” (http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/policy_accom.cfm):

The Secretary has the authority to withhold approval for projects that would negatively impact pedestrians and bicyclists under certain circumstances. Key references in the CFR and U.S.C. include:

- "The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for non-motorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists." 23 U.S.C. 109(m).
- "In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations." 23 U.S.C. 217(e). Although this statutory requirement only mentions bicycles, DOT encourages States and local governments to apply this same policy to pedestrian facilities as well.
- 23 CFR 652 provides "procedures relating to the provision of pedestrian and bicycle accommodations on Federal-aid projects, and Federal participation in the cost of these accommodations and projects."

The City of Lodi was I believe successful in the funding of a TAP project just north of these two crossing that would replace a box culvert (pedestrian underpass) of the railroad facility. This would be a similar treatment/application. The next solicitation for TAP program will be within a couple of weeks. Michelle Brokaw and myself plan to reach out to Columbia County and the City of Lodi to discuss these other options for these crossings in the near future to hopefully provide them ample time to submit an application to the TAP program in this next solicitation."

8. Updates. **Announcements by Commissioners**

None.

REPORTS & COMMISSION BUSINESS

9. **Dane County proposed project, crossing the Madison Sub near Lake Kegonsa State Park, approx. mile marker 127.51.** *Kim Tollers, Eight and Consulting / KL Engineering.*

- *No Action.*

Tollers provided Commission with information regarding the need for a crossing between McFarland and the Madison Sub at Williams Drive. While this is not Commission jurisdiction, they wanted to ensure communication was open and transparent. This crossing existed since the 1970's, was taken out, and now there is a lot of foot traffic and trespassing issues due to a wider roadway that provides ample parking for those who want to enter Lake Kegonsa State Park on foot through this area. A 14' wide at-grade bike/ped crossing would enhance safety, and the next steps for Dane County Parks is to take it to Dane County Board for approval, and then get a determination from the OCR. There will be fencing about 150' from each side of the crossing, and most people stay within the crossing area proposed. Chris James, Dane County Parks, stated that they are working on another segment of trail to connect Madison to Stoughton, the next piece would be along County AB to McFarland in 1-2 years, and then along County B to Stoughton in 5-7 years; however, land needs to be acquired, and plans need to be firmed. Lucht stated that the FRA and WisDOT strongly encourages railroads to close 1 or 2 crossings for every new one created; Dane County has added 11 new at-grade crossings since 2006, and there has only been 1 closure, a concerning trend that we need to work together to reverse. Lucht asked that the county and state work with WSOR to close some of the existing crossings. Bike and ped trails parallel to the tracks lead to new trespassing. Rigelman stated that the only concern is with automobile traffic, but the DNR is ok with what is being proposed and realizes that it has been part of the planning process all along.

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

Huttenburg distributed an amended Revenue/Expense Statement ending April 30, 2023. April disbursements totaled \$7,780.50 of which \$3.00 will be returned for bank fees, and interest was the only revenue received in the amount of \$4,914.75 due to rising interest rates and a large balance that will likely be paid out as the Merrimac Bridge project progresses. Invoice for approval includes Boardman Clark, LLP for services rendered from February 7, 2023 through April 19, 2023 in the amount of \$4,738.00.

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

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2024-Budget Discussion: Bolitho stated that we should wait until next month to have a better handle on the figures, Krueger stated that there may be additional expenses for removal of the rail infrastructure for the Walking Iron Trail, Huttenburg questioned who's responsible for removal expense, and Bolitho stated that there are usually revenues received from the scrap that offset the expense.

- *Motion to approve the 2024 Budget as presented. Mace/Kannard. Passed Unanimously.*

11. **WRRTC Pay Request #1-2023, Merrimac Bridge – Huttenburg, Treasurer**

- *Motion to approve the Pay Request #1-2023, to WSOR for the Merrimac Bridge 334 Phase III project in the amount of \$50,475.20. Krueger/Mace. Passed Unanimously.*

Stern will provide engineer reports and work with Benish on status updates and % of completion to provide commissioners for this and future pay requests.

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

Lucht stated that weed spraying over the entire network is in process starting last week and hopefully finishing this week; Middleton Center trespassing issues are evident and WSOR sprayed the entire grass area to keep adjoining property owners from mowing and trespassing; Aurora Street has been open access for at least 3 years, and there is illegal crossing, so it will likely be closed in the near future, pending determination from the OCR; there has been 2 sets of invoices for the Merrimac Bridge project that either have been or will be passed along, they are working on tuckpointing, span delivery with installation to begin in late June; there has been 6 miles of rail replaced near Stuckey Road in Wauzeka and the contractor is going to install another 3 miles; Boscobel's United Coop has been busy building out for up to 100 rail cars; WSOR received the IL tax bills from Molzof and passed them along for payment, please note that there were extremely large increases in both counties and WSOR is getting to the bottom of it; the derailment in Baraboo had 3 cars loaded with coke, a bi-product of coal, and they tipped over due to weight and that section of track has not yet been improved; however, it is on the list, there was no significant damage, took 19 hours to get tracks back in service, cars will be scrapped, and it cost WSOR approximately \$40,000. Bolitho asked for 2023 tie and surfacing program information, Lucht will send to Molzof for distribution.

13. **WisDOT Report – Stern - WisDOT.**

Stern stated that the real estate position offer is out and she is awaiting acceptance; update on Janesville Bridges – there are agreements in place that allow for grants that gives the Commission right of 1st refusal and this is an opportunity to start a conversation with UP to get the bridges under Commission property; Merrimac bridge is progressing, a report will be sent to Molzof for distribution.

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

Molzof reported that she received notice from the Town of Oregon referencing an update to their comprehensive plan and included it in the packet that went out, she received the annual tax bills from IL and forwarded them on to WI Southern. Note that that tax amounts increased drastically from last year to this year, with Lake County going from \$3,293 to \$11,347 and McHenry County from \$62,838 to \$127,126. Molzof also thanked Ken Lucht and WSOR for the High Rail ride on the Monroe Sub from Janesville to Monroe. It was very educational and informative, and helped her to gain a better understanding of the system and infrastructure.

15. **Private Rail Crossing Permit Applications - None.**

Scallan requested status update on Russell property in Crawford County, and Lucht stated that there is a DNR conservation easement which will make this a public crossing; therefore, there are other regulations that must be followed. We will continue to work through this and see where it goes.

16. **Applications / Permits to Construct, Operate, and Maintain Utility Facilities, if any.**

- *Motion to approve three utility permits received prior to meeting time pending WSOR approval and fees received. Kannard/Reimann. Passed Unanimously.*
 - a) *Spectrum Mid-America, LLC for work in Rock County, Township of Union, NW ¼ of Section 16, Township 4N, Range 10E;*
 - b) *TDS Telecom, LLC, City of Fitchburg, Dane County, S11 T6N R9E;*
 - c) *Madison Gas & Electric, NW1/4 of the NE1/4, Sec 23, T6N, R9E, and SW1/4 of the SE1/4, Sec 14, T6N, R9E, City of Fitchburg, Dane County*

17. **Request for demolition and removal of two (2) local road overpass bridge structures, Columbia County, Lodi, WI.**

- *Motion to table this for a future meeting when more information is received and a more in-depth discussion can occur before possible action. Krueger/Scallan. Passed Unanimously.*

Chris Hardy, Columbia County Highway Commissioner, stated that the two bridge structures in Lodi have failed inspection, are closed, and will no longer be monitored by the county due to regulations and policies surrounding closed bridges. There is some possible funding opportunities for removal of these through the BIL program; however, the City of Lodi does not feel this is a priority for funding, the county does not participate on pedestrian crossings, and the City is not interested in replacing them for vehicle traffic. The county does not inspect for bike and pedestrian safety and will not guarantee their safety, and the question becomes, whose responsibility is it to pay for the next step, either removal, or safety improvements of some kind. Hardy stated that this does not require immediate attention; however, just wanted to be proactive and open up the lines of communication with the Commission so that this project is on the radar.

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18. 2024 Staff Services Agreement.

- *Motion to approve 2024 staff services agreement with Southwestern Wisconsin Regional Planning Commission in the amount of \$32,665 – Kannard/Huttenburg. Passed Unanimously.*

19. WRRTC Insurance Policy.

Molzof reported that there are no updates at this time, information is being compiled and passed along as requested.

20. Adjournment.

- *Motion to Adjourn at 11:35. Scallion/Kubly. Passed Unanimously.*