

WRRTC MAY 2019 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting - Friday, May 10th, 2019 at 10:00 am Dane County Highway Garage, Madison, WI

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

Crawford	Carl Orr	X	Jefferson	Mary Roberts	X
	Rocky Rocksvold, 2 nd Vice Chair	X		John Kannard	X
	Derek Flansburgh	Excused		Augie Tietz, 3 rd Vice Chair	X
	Tom Cornford, Alternate	X	Rock	Terry Thomas	X
Dane	Gene Gray, Treasurer	X		Wayne Gustina	X
	Jim Flemming	absent		Alan Sweeney, Chair	X
	Chris James, 1 st Vice Secretary	X	Sauk	Chuck Spencer	X
Grant	Gary Ranum	X		Dave Riek, 2 nd Vice Treasurer	X
	Mike Lieurance	X		Marty Krueger	X
	Robert Scallon, 1 st Vice Chair	X		Tim McCumber, Alternate	X
Green	Harvey Kubly, 1 st Vice Treasurer	X	Walworth	David Bretl	X
	Oscar Olson	X		Richard Kuhnke, 2 nd Vice Secretary	X
	Paul Beach	X		Allan Polyock	X
Iowa	Charles Anderson, Secretary	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Mark Storti	X		Karl Nilson, 3 rd Vice Treasurer	X

Commission met quorum.

Others present for all or some of the meeting:

• Matt Honer - WRRTC Administrator • Ken Lucht, Roger Schaalma – WSOR	• Kim Tollers, Rich Kedzior, Ed Singer, Lisa Stern – WisDOT • 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 – Cornford/Morris. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
Honer stated that WisDOT has requested that Item #13 be postponed.
 - Motion to approve the agenda with the postponement of Item #13 – Anderson/Kuhnke. Passed Unanimously.
5. Action Item. **Approval of draft April 2019 Meeting Minutes** – Prepared by Honer.
Mace stated that he had some minor clarifications of the minutes but is requesting a clarification of the motions on Item #13.
 - Motion to table the approval of April 2019 Meeting minutes for clarification of the motions in Item #13. Storti/Nilson. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
7. Updates. **Announcements by Commissioners**

Gray announced that today is the 150th birthday of the transcontinental railroad. Nilson stated that it is important to put this into perspective. Nilson stated that May 8th was VE day and thanked the veterans.
8. Action Item. **Officer Elections**
Honer stated that he would start by asking for a nomination for chair.
 - Motion to nominate Al Sweeney as chair – Gustina/Morris. Motion to close nomination – Mace/ Nilson. Passed Unanimously.
 - Motion to nominate existing officers to serve another term in the same office – Krueger/ Cornford. Motion to close nominations – Kannard/Kubly. – Passed Unanimously.

REPORTS & COMMISSION BUSINESS

9. **WRTC Financial Report – Gene Gray – Treasurer.**

- Treasurer's Report and Payment of Bills

Matzinger reported on the financial report. The balance sheet identifies that all county contributions are in and after paying the tax bills the Commission has \$651.27 remaining. Matzinger reported on the income statement. WSOR paid the first half of their annual lease. Matzinger reported that invoices are out for tax reimbursement. Matzinger reported that first quarter billing was received for management, accounting, and legal.

Matzinger gave an update on the repayment of the loan taken out to assist with the removal of the Sauk City Bridge. He reported that so far this year, two quarterly payments have been made.

Cornford asked what Crawford County paid. Matzinger reported that Crawford paid \$35,000, the additional \$5,000 was to pay for past misunderstandings of county contribution requirements. Thomas stated that he appreciates that legal is billing quarterly.

Matzinger reported on the bills – legal, accounting, management, and the three tax bills (two from McHenry County and one from Lake County). Gray asked about the increase in taxes. Ranum asked if Honer can look into the increased taxes to see if there is a reason why and explore what may be the Commission's options to appeal.

- *Motion to approve the Treasurer's Report, income statement, payment of bills – Thomas/Gustina. Passed Unanimously.*

10. **Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, Schaalma – WSOR**

Schaalma reported that due to the cool and wet spring, weed spraying has been delayed. Rail testing geometry is scheduled for July and August. The bridge inspector was asked to start annual inspections. Maintenance tamping has started. Maintenance crossing projects are being aligned with other road projects in Madison (Blair Street/ US Highway 151), Mazomanie (Crocker St), Muscoda (Middle), and Arena (Oak and Willow). County Highway K is also being done on the Elkhorn Sub. WSOR maintenance crews are out installing ties in various locations on both the northern and southern divisions. Water has subsided in Prairie du Chien, to allow cars to begin moving. Contractors are on the Waukesha Sub. doing crossing and turnout projects. One CWR train is on the Oshkosh sub and another is scheduled for the end of May for between Milton and Whitewater. Highway project crossings – CTY Highway V on the Reedsburg Sub, Waukesha Bypass, and State Highway 59 in Whitewater in July. WSOR plans to replace 7 bridge tie decks on the Prairie Sub., 2 on the Reedsburg Sub., and 1 on the Monroe Sub. A few stringers and caps will be replaced as well. A bid was awarded to Kraemer NA for a bridge west of Wauzeka. The bridge in Madison is also being taken care of by Kraemer.

Mace asked about the crossing in Madison. It was stated that there are numerous roads that converge in this area. Kedzior stated that this crossing is referred to as Blair St/ US Hwy 151 in the crossing inventory, and should be noted that way in the minutes. Kedzior stated that the minutes should reflect that this is how the crossing should be referred to. Nilson asked about the crossings of County Road TT and Sunset Rd, in Waukesha County. Schaalma stated that crossing is temporary and the new crossing will be east of county road TT. Nilson asked when traffic will resume on it. Schaalma was not sure. Ranum asked if new rail or old rail is on the Wauzeka Bridge. Schaalma stated that the old rail is on their now and that the new rail will be coming. Reimann asked about the Oak and Willow Street Crossing in Arena replacement dates. Schaalma stated that once the Mazomanie crossings are scheduled, WSOR will work to align the work to coincide with that.

Lucht offered a presentation on derailments that have occurred on the system over the past 13-14 years. Derailments that were discussed included Spring Grove (February 2019), Oshkosh (Oct 2016), Wauzeka (2016), Janesville Wye (Jan 2015), Janesville (Apr 2015), Cottage Grove (2012), Germantown (2012), Edgerton (2007), Bardwell- on the Fox Lake Sub (2004).

Beach asked how CWR responds to the heating and expansion of rail. Schaalma reported that the rail needs to be laid at a higher ambient temperature and that CWR is attached on every other tie. Schaalma stated that 600 – 700 defective rails are changed out every year. Nilson stated that although ultrasound is not 100%, it has saved a lot of derailments from happening. Riek asked if ultrasound picks up "work hardening." Schaalma states that ultrasound does pick up several defect codes but this is difficult to measure. Polyock asked if there are issues where the rail splits, Schaalma stated that does happen. Ranum asked about metal fatigue and the way that rail-use is logged to account for metal fatigue or if there is testing available to account for metal fatigue. Kedzior asked Roger to explain how a tie project reduces the risk of derailment such as what occurred on the Cottage Grove Sub. Schaalma stated that good ties and good ballast will go a long way to address issues such as the conditions on the Cottage Grove Sub.

11. **WisDOT Report – Rich Kedzior, Lisa Stern, Kim Tollers - WisDOT.**

Stern reported that she met with the Village of Eagle last week and is petitioning the Office of Commissioner of Railroads to close Railroad St. in the Village. The Village has mixed feelings. There is additional design work to do and the Office of Commissioner of Railroad will make the final decision. Additional work will take place to address other crossings. Stern stated that an analysis is taking place to look at all State Highway Crossings. Roger asked if that includes connecting highways. Stern stated that due to state statute that they are not.

Kedzior stated that he and Stern went out on an outing with Dave Bierman (WSOR Bridge Engineer) and Pete Scheirloh (WSOR Bridge Consultant) to inspect bridges on the Reedsburg Sub. between Waunakee and West Baraboo. Particular attention was paid to the stone abutments on the Reedsburg Sub. Kedzior stated they are unique to the system. These bridges were built by the Chicago Northwestern rather than the Milwaukee Road. Kedzior stated that the structures have aged well but the masonry has issues. Kedzior stated that he was approached by an individual who inquired about running an event passenger train for Badger football games from the City of Middleton-owned municipal spur. Lucht stated he has not heard from anyone but that in the past Middleton has tried this unsuccessfully.

Kedzior gave a brief update on the situation at the Lycon facility in Middleton. Kedzior stated that building the improvements at that site was presented to the Commission and approved at the April 2018 meeting but that WSOR did not receive written approval from WisDOT for the improvements. Singer reported that the way organizations utilize state railway is through an offer-to-use, which he explained is similar to a lease. Singer reported that after the past few months there has been negotiating with Lycon and is hoping to finish things up in the next month. Kedzior requested an agenda item at the June meeting to discuss the Lycon situation further and asked that the Commission consider waiting for WisDOT approval on future rail improvements.

Alan Anderson asked about items related to the abutments on the Reedsburg Sub. Kedzior stated that some of the issues dealt with scour and weathering issues including missing mortar. McCumber asked if Kedzior could share the information. Kedzior suggested that McCumber ask WSOR for bridge reports.

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

Honer stated that he located several of the missing amendments and attachments to the operating agreement between WRRTC and WSOR. Honer stated that discussions are ongoing with Frontier and Charter Communications regarding non-compliant utility crossings in the Village of Oregon on the Evansville Sub.

Honer stated that he has been working to address issues in McHenry County including private crossings and encroachments. Letters were sent to four property owners to address six unauthorized crossings on the Fox Lake Sub. He has heard back from some of the landowners already. He spoke with a representative from the Village of Spring Grove regarding Hatchery Road, an illegal road sanctioned by the Village that is completely within the WRRTC's property. Honer informed the Village that they are trespassing and that the issue needs to be resolved, or else the Commission may take action to fence off the property, making it impossible for residents to reach their homes and businesses. They stated that this issue will be brought up at an upcoming village board meeting to determine next steps. Honer expects to hear back in the coming weeks and will follow up with them prior to the next meeting.

Honer was in contact with the City of Fitchburg regarding a conditional use permit allowing a "drive-through window" on the property. Honer believes that this will not affect the right-of-way.

Honer stated that he spoke with a private crossing permit holder in Janesville who would like to move their crossing. Honer stated that the permit holder is wondering if there is an application fee for moving the crossing. Honer responded that he was not sure and would ask the Commission but stated that an application is required to review the location of his proposed crossing. The property owner needs to gather additional information regarding access to his proposed crossing as part of his application. Honer expects that this issue will be brought before the Commission this summer.

Ranum asked if the Commission should ask the applicant to require an easement to cross another property before providing a permit. Schaalma stated that the existing property owner where the crossing exists was at one point in time ok with the crossing, but now the existing property owner has changed his mind as land use has changed the land value.

Honer stated that he has had a discussion with the City of Prairie du Chien regarding the project that Blair Dillman brought before the Commission in the past. Honer stated that Mr. Dillman needs to receive approval from WisDOT and from WSOR before the Commission will take any further action on his proposal. Kedzior stated that a significant issue that WisDOT has regarding the project is that it will remove rail access to the City's harbor and river. WisDOT has asked that Dillman address this issue by offering the Commission or the state something of equal or greater value in return, but he has not done so. Tollers stated that some of the property on the Island is owned by the City of Prairie du Chien but that the Commission has an easement to that property.

13. Discussion and Possible Action on scheduled WRRTC Crossing Improvements – Stern, WisDOT.

Item Postponed

14. Consideration and Possible Action on a Letter of Support for FRPP Program Funding of \$30M for 2019/2020 Biennial Budget. – Lucht, WSOR.

Lucht presented a letter that can be presented to the joint committee on finance. The letter shows the support for the increase in the budget for the FRPP program. Lucht stated that an increased FRPP program over the next five years will help WSOR achieve the 15 years capital improvement plan

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and move towards a greater maintenance program. Nilson asked if the letter is sufficient to explain the FRPP program. Lucht stated that the recipients are well aware of the program. Stern stated that this is not an application for a grant, but rather a letter of support for the grant program. Riek asked what the last budget was for the program. Lucht responded that the previous biannual budget for the FRPP program was \$12M and the request is for the budget to be increased to \$30M, an amount that it once was.

- *Motion to support a letter of support for FRPP Program Funding of \$30M for 2019/2020 Biennial Budget. Scallon/Polyock. Passed Unanimously.*

15. Adjournment

- *Motion to Adjourn at 11:23 am – Gustina/Cornford. Passed Unanimously.*