

WRRTC JULY 2019 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting - Friday, July 12th, 2019 at 10:00 am Dane County Highway Garage, Madison, WI

1. 10:02 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	
	Derek Flansburgh	X		Augie Tietz, 3 rd Vice Chair	X
	Tom Cornford, Alternate	Absent		Terry Thomas	Excused
Dane	Gene Gray, Treasurer	X	Rock	Wayne Gustina	Excused
	Jim Flemming	Absent		Alan Sweeney, Chair	X
	Chris James, 1 st Vice Secretary	X		Chuck Spencer	X
Grant	Gary Ranum	X	Sauk	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 – WSOR • Jeff Huttenburg – Mid-Continent Railway	• Kim Tollers, Rich Kedzior, Ed Singer, Lisa Stern – WisDOT • Jim Matzinger – Accountant
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3. Action Item. **Certification of Meeting's Public Notice – Noticed by Honer.**
 - Motion to approve meeting's public notice – Morris/Nilson. Passed Unanimously.
4. Action Item. **Approval of Agenda – Prepared by Honer.**
 - Motion to approve the agenda – Storti/Ranum. Passed Unanimously.
5. Action Item. **Approval of draft June 2019 Meeting Minutes – Prepared by Honer.**
 - Motion to approve the June 2019 meeting minutes with minor edits. Mace/Nilson. Passed Unanimously.
6. Updates. **Public Comment – Time for public comment may be limited by the Chair.**
7. Updates. **Announcements by Commissioners**

Nilson reported that the U.P. Big Boy is in Wisconsin on July 25th. It is leaving Adams at 8:00 am and there is a map available online. Mace reported that it is available to get on in Duluth, MN and also in Altoona, WI. Polyock stated that Walworth County lost a long-time county board supervisor who was influential in the rail. Krueger announced that after vetting by the work group, the feasibility study for the recreational bridge across the Wisconsin River along the rail corridor was awarded to MSA Engineering. He expects the study to be completed in or around November.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report – Gene Gray – Treasurer.**
 - Treasurer's Report.

Matzinger reported that the Commission is awaiting tax reimbursement from WSOR. 2019 project funds are still available. WSOR paid 3 of the 4 rent payments for the year. Permits are behind budget. Interest rates are up and income has increased accordingly. Matzinger reported that that expenses are on target to the expected budget. Ranum asked if the legal expense budget includes the check to be approved in the disbursements this month. Matzinger confirmed. Gray asked if the Commission usually is on budget for permits. Matzinger reported that it has been unpredictable in the past. Matzinger reported on the legal and accounting invoices and check disbursements.

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

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

Lucht provided further information on documents that he sent out regarding rail replacements and repairs. Lucht discussed a culvert replacement that took place on the Prairie Sub. and recent crossing replacements. The most significant crossing replacement was the Blair/US-151 Crossing in Madison. The project was coordinated with a City of Madison road project. Crossing replacements are part of the maintenance plan.

Lucht stated that weed spraying is taking place. Weed control is applied to 20 ft away from the center of the track and 75% of the system has been completed. The rail detector car is on the system, inspecting the rail for internal defects. WSOR recently received a community partnership award from the City of Oshkosh for the partnership related to a new trans-load facility that was built on the Oshkosh Sub..

Nilson asked if anything was underwater on the system. Lucht stated that everything is in operation. Gray asked if the derailment in Grant County affected traffic on the WSOR system. Lucht stated that the derailment was on the BNSF system and did not affect any of WSOR's operations.

10. WisDOT Report – Rich Kedzior, Lisa Stern, Kim Tollers, Ed Singer - WisDOT.

Stern handed out a flow chart that is proposed for the process that WisDOT, WRRTC, and WSOR will utilize for Offer – to – Use (UTO) and Temporary Access Permits (TAP). Singer went through WisDOT's review process for proposed improvements on state-owned rail corridor. Singer reported that in the best-case scenario the process will take approximately 60 days but can take longer due to significant changes. Sweeney asked about what is considered significant, and if WisDOT will outline what that means. Nilson asked about the language of 7.13 of the operating agreement, and who the agreement is between. Kedzior stated that although the operating agreement is between WRRTC and WSOR, the same language is in the grant agreement between WisDOT and WRRTC. Nilson clarified that the flow chart is informational and not governing, WisDOT agreed and stated that the flow chart is a representation of the existing agreement language.

Lucht asked if the flow chart applies to public infrastructure and private infrastructure. Lucht stated that the operating agreement does not apply to private infrastructure. Kedzior stated that the operator does not have the authority to enter into leases, licenses, or permits on state property. WisDOT has this authority and has chosen to utilize the OTU and TAPs for this purpose. Stern stated the flow chart represents the process for both proposed public and private infrastructure. Mace asked about the heading on the second page stating state-owned corridor. WisDOT stated that it does not apply to Commission owned property.

Brownlee stated that she has disagreements with the hand-out but will not respond to the handout at this meeting. Brownlee stated that providing handouts at the meeting is not beneficial to advancing an issue. If handouts are provided, they should be provided before the meeting in the meeting packet mailout. All items being sent in the packet allows all parties to review and respond to the handouts rather than spending time doing so at the meeting.

Kedzior stated that the State budget for 2020-2021 was passed. The FRPP bonding budget of \$30M was approved. The budget also included a \$1.5M fund for intermodal facilities, coming from the FRIIP loan fund. WisDOT is working on instructions and guidelines for those funds. Kedzior stated that WisDOT is looking at eligibility for planning and feasibility studies for these funds. Kedzior stated that WisDOT will be updating the FRPP process for 2021. Kedzior stated that rail safety week is in September this year and if anyone wants more information regarding the rail safety events, they can contact Lisa Stern.

Sweeney asked Brownlee if the flow chart should be on next month's agenda. Brownlee stated that it should be a discussion item.

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

Honer stated that he received 2019 property assessment notices from McHenry County, Ill. Equalized assessed value for each parcel increased between 4.2% and 4.5%. Honer stated that he received a letter from an unlicensed private crossing owner in Illinois. He also received two certificates of liability for the City of Boscobel and American Transmission Company. Both are in relations to permits provided by WisDOT.

Honer completed an outside agency funding request for Sauk County. Matt contacted Frontier Communications and Charter Communications regarding the unpermitted utility crossings in Oregon. Honer also spoke with the Sauk County Highway Commissioner to establish a date to finalize the infrastructure removal within the former Badger Army Ammunition Plant.

12. Discussion on the Scope of Work for Phase 3 of the Merrimac Bridge Rehab Project – Lucht, WSOR.

Lucht provided a hand out associated with Phase 3 of the Merrimac Bridge Rehab Project. The existing bridge is 1800ft long and is one of the largest bridges on the WRRTC system. When it was originally built, the piers were not completely underwater. The immersion of the piers was a result of the Wisconsin River dam construction. The cost to bring the bridge to modern standards is \$17.4M. The project was split into 3 phases. WSOR is

required to have light loads on the bridge due to the current rating of the bridge. The first phase and second phases of the project have been funded but not completed yet. Phase three consists of repairing and replacing 13 spans, replacing the entire deck, and repairing 13 piers. Rehab will result in an increased life of 40 years for the bridge. It is likely that the project will start in 2021, with or without a BUILD (Better Utilizing Infrastructure to Leverage Development) Grant. If repairs are not made in 5 years the bridge will be further de-rated.

Ranum asked if all the piers are stable. Lucht responded that the piers are stable. James asked if certain low-spans of safety concern are being addressed. Lucht stated the low spans were addressed in Phase 1 and other lower spans are not as much of a concern. Kedzior clarified that the lowest span will be replaced as part of Phase 3. Tietz asked if the bridge will be closed, Lucht stated the line will stay open for traffic per federal requirement.

13. Discussion on the US DOT BUILD Grant for Phase 3 of the Merrimac Bridge Rehab Project – Kedzior, WisDOT.

Kedzior stated the purpose of seeking federal funding is to save money from the FRPP fund. If the BUILD grant is awarded, the FRPP fund will save \$9.5M. Those savings will then be used to support other projects such as rail replacement on the Prairie Sub. The grant will be submitted this afternoon. Kedzior stated if the BUILD grant is not successful, WisDOT will reuse the grant application on two other federal grant programs.

Bretl asked if there is a problem with it being a scheduled project. WisDOT does not believe it is an issue. Anderson clarified the order of the spans. Mace asked when the grant will be awarded. Kedzior believes the grant will be awarded by the end of the year.

14. Consideration and Action on Letter of Support and capital funding of Phase 3 of the Merrimac Bridge Rehab Project – Sweeney, Chair.

Sweeney outlined the major points of the drafted letter to US Secretary of Transportation Elaine Chao. The letter states the Commission will support the application from WisDOT and contribute two-years (2019 & 2020) of capital project funds (\$487,500).

- Motion to provide a letter of support and two years of capital funding to match the US DOT BUILD Grant for Phase 3 of the Merrimac Bridge Rehab Project. Krueger/Spencer. Passed Unanimously.

15. Consideration of and action on a possible motion to adjourn to closed session pursuant to Wis. Stat. sec. 19.85(1)(g), which permits the Commission to convene in closed session for the purpose of conferring with legal counsel rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of discussing threatened litigation pertaining to unauthorized private crossings. – Sweeney, Chair.

- Motion to Adjourn to closed session – Bretl/Anderson. Passed Unanimously.

16. Convene in closed session for the purpose stated in the preceding agenda item. – Sweeney, Chair.

17. Adjournment

- Motion to Adjourn at 11:16 am – Nilson/Bretl. Passed Unanimously.