

WRRTC DECEMBER 2021 MEETING MINUTES – APPROVED

**Wisconsin River Rail Transit Commission
Commission Meeting – Friday, December 10th, 2021 at 10:00 am
Waunakee Public Library, Waunakee, WI**

1. 10:01 AM **Call to Order** – *Alan Sweeney, Chair*
2. Roll Call. **Establishment of Quorum** – *Matt Honer, Admin*

Crawford	Carl Orr, <i>2nd Vice Chair</i>	X	Jefferson	Mary Roberts	X
	Mark Gilberts	X		John Kannard	X
	Tom Cornford	X		Kathy Bahner	X
				Karl Zarling, <i>Alternate</i>	X
Dane	Kevin Potter	X	Rock	Russ Podzilni	X
	Jeff Huttenburg, <i>Treasurer</i>	X		Wayne Gustina	X
				Alan Sweeney, <i>Chair</i>	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Marty Krueger	<i>Excused</i>
				Tim McCumber, <i>Alternate</i>	<i>Excused</i>
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	X	Walworth	Al Stanek	<i>Excused</i>
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	X
	John Buol	<i>Excused</i>		Allan Polyock	X
Iowa	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	<i>Excused</i>		Richard Morris	X
	Susan Storti	X		Karl Nilson, <i>3rd Vice Treasurer</i>	<i>Excused</i>

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Ken Lucht – <i>WSOR</i> • Chris Petykowski - <i>City of Madison</i> 	<ul style="list-style-type: none"> • Lisa Stern, Todd Wojciuk, Sue Nast, Arun Rao – <i>WisDOT</i> • Becky Steinhoff, Dane County Resident. • Alan Anderson, <i>Pink Lady RTC.</i>
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Honer.*
 - o *Motion to approve meeting’s public notice – Cornford/Morris. Passed Unanimously.*
4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
 - o *Motion to approve the agenda. Gustina/Storti. – Passed Unanimously.*
5. Action Item. **Approval of draft November 2021 Meeting Minutes** – *Prepared by Honer.*
 - o *Motion to approve the November 2021 with minor clarifications meeting minutes. Podzilni/Mace. Passed Unanimously.*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*

7. Updates. **Announcements by Commissioners**

Mace reported the Waukesha County Administrator Andrew Thelke, Morris, and he took a hi-rail trip on the Waukesha Subdivision, from Waukesha to Milton, and that it was successful.

REPORTS & COMMISSION BUSINESS

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

Huttenburg reported on the receipts and disbursements and there were two bills for approval for the final quarter of SWWRPC Management and legal. Peper asked for clarification on project funds. Huttenburg explained the project funds are being held until WSOR bills the Commission for these projects. The 2019 and 2020 project funds are local match for the Merrimac Bridge project and 2021 funds are match for the Janesville Bridge project.

- o *Motion to approve the Treasurer’s Report and pay the Bills. Anderson/Cornford. Passed Unanimously.*

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

Lucht reported the fence at Middleton Center is being constructed. WSOR is working on an EDA grant for the Village of Muscoda. Lucht stated there are plenty of opportunities for rail customers in the Village. Lucht reported the Richland Spur in Lone Rock, is about 3000’ ft and was recently rehabbed, WSOR will utilize the spur for car storage. Lucht reported the 2022 calendars are ready and available.

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Stern clarified which grant is being applied for in Muscoda. Ken reported the grant is an EDA grant. Ranum asked if Grant County Economic Development was involved and where it is going. Ken reported that it planned for south of the main line within the right-of-way and Grant County Economic Development is involved. Ranum asked if Richland County was ever on the Commission and asked if the Commission should engage Richland County. Honer responded Richland County was an early member of the Commission but left the Commission. The County purchased the Richland Spur from Lone Rock to Richland County from WisDOT, and created the Pine River Trail. Ranum asked if the WRRTC should approach the County about their interest in being on the WRRTC. Honer stated that he can reach out to their administrator to see what interest they have. Riek asked if there were any customers. Lucht stated there are no customers on the spur currently, and they will be using the spur for car storage. Lucht stated that they are rehabilitating it and will be maintaining it to Class 1 status according to the operating agreement.

10. WisDOT Report – Stern - WisDOT.

Stern stated WisDOT is meeting with FRA in the afternoon about the Janesville Bridges RAISE Grant Award and will also discuss the final grant agreement for the Merrimac Bridge Phase 3 project. Sweeney asked if WisDOT knows a start date on the Janesville Bridge Project and if there are additional agreements required. Stern stated that there will need to be agreements with WSOR and Union Pacific before beginning the project but there is no start date established yet. Polyock asked if the amount of state-owned rail corridor has increased since the 1990s. Stern stated the Reedsburg Sub. was purchased but cannot recall if any additional property was purchased. Stern stated the state owns about 660 miles. Polyock asked about the DeLong Project at the Milwaukee Harbor focused on DDGS (distillers' dry grains with soluble) and Soybeans. Stern offered to give a presentation at the next meeting. Sweeney asked which ethanol plants the DDGS were coming from. Stern stated that it is coming from ethanol plants across the Midwest.

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

Huttenburg stated he contacted the OCR regarding the Middleton Center crossing. OCR has it on the docket, which means they will be sending out a notice for parties to become a party to the action, and then after that they will send a schedule notice to schedule a date, and that will offer the opportunity for the parties to send in comment. Huttenburg stated he expects it to be a few months before resolution will happen regarding the crossing. Lucht asked if there was clarification on the crossing's current status. Huttenburg stated the OCR determines status by way of the FRA database.

Honer stated Huttenburg, Potter, and he met with WSOR and WisDOT regarding the update to the private-crossing agreements and expects an agreement to come to the commission in the next month or two. He has received correspondence regarding two proposed private crossings and a utility permit.

Honer provided a handout regarding WRRTC's recent issues with Hatchery Road in Spring Grove, Illinois. The issue resurfaced when he received a call from the owner of a building accessed by Hatchery Road asking if the Commission was interested in purchasing the building. Honer asked the owner to draft a formal proposal for the Commission to consider at its next meeting. Honer stated the building has no legal access and any future sale may require an agreement with the Commission. The Commission's policy is that it does not grant easements and that this road is not a public access. Ranum suggested we inform the owner and the village to replace the culvert. Huttenburg suggested the Commission wait until a proposal is brought before the Commission before asking the Commission's counsel to be involved.

12. Update and Possible Action on City of Madison FRPP Grant Application for Railroad Bridge over Troy Drive. – Chris Petykowski, City of Madison.

Petykowski provided a presentation on the City of Madison's proposal to improve the railroad bridge that goes over Troy Drive. The City will be submitting a FRPP Grant to assist in funding the project. Petykowski stated the Fire Ladder trucks are currently unable to go under the bridge due to the limited clearance, and the pedestrian options are substandard. The potential timeline would include 2022 Design and 2023 Construction. The total project cost would be \$3.8M.

Stern stated WisDOT recently collected FRPP applications for the next round of funding. This project had been considered previously. Lucht asked who the applicant is. Stern stated the City of Madison is the applicant. Gustina asked the current clearance. Petykowski stated it is 11'6" and standard is approximately 14'. Anderson confirmed this is on Reedsburg sub. Wojciuk asked if additional real estate is required to be purchased. Petykowski stated that it was not anticipated at this point.

13. Update on Passenger Rail in Wisconsin – Arun Rao, WisDOT.

Rao provided an update on current and projected passenger rail projects in Wisconsin. Ranum asked about the speed of the passenger rail if it were to be allowed on the Watertown Sub. Rao stated maximum speeds proposed in the past were 110 mph. Ranum asked where the railcars are built. Rao stated they are American built. Ranum clarified the engines are diesel electric. Gustina asked if fares are projected at this time. Rao stated that from Columbus to St. Paul is approximately \$40 now and would imagine fares to be in line with amtrack's fare structure. Mace asked if the Wisconsin Rail plan included an extension to the fox cities. Rao confirmed.

14. Update on OTUA on the Cottage Grove Subdivision in Madison, WI – Todd Wojciuk, WisDOT.

Wojciuk provided an update on the OTUA (Offer to Use Agreement) introduced to the Commission at the last meeting. Wojciuk stated the applicant wanted to use the corridor for approximately 18 months and in exchange would make improvements to the rail corridor. Wojciuk stated that agreements could not be made to finalize the agreement. Ken stated that the developer has found another option rather than using the rail corridor.

15. Update on Mineral Rights Sale in Sun Prairie, WI – Todd Wojciuk, WisDOT.

Wojciuk brought this to the Commission as an informational item. The land was previously owned by the railroad and was acquired by WisDOT from the previous rail operator. WisDOT sold the land to a private party but retained several of the easements and rights to the property. The existing owner is selling the property and the prospective buyer is requesting WisDOT to sell the mineral rights. WisDOT is likely to sell the mineral rights as it has no use for them.

16. Discussion and Possible Action on Private Crossing Application on Prairie Subdivision in Blue River, WI – Honer, Admin.

Honer introduced the crossing. He stated that the land owner does not reside at the property and the crossing will be used by a farmer who leases the property for agricultural purposes. Honer stated he would recommend the Commission approve the crossing on the condition the crossing user can provide evidence of their ability to be on the opposite side of the tracks with permission or by right through an easement. Honer stated the applicant is working on getting the agreement/easement to use their neighbor's property, but were not able to get it ahead of the meeting.

Huttenburg stated he believes the co-applicant needs to also sign the agreement and the crossing permit needs to be only for the primary and co-applicant, the primary applicant cannot assign a crossing permit to a new co-applicant or lessee.

Mace asked if WSOR is okay with the crossing. Lucht stated that a different crossing existed in the past but the new crossing is something that WSOR is comfortable with.

- Motion to approve the private crossing application with requirements discussed (show evidence of being allowed to be on the opposite side of the tracks, the agreement is limited to the primary and co-applicant, and the condition that if the co-applicant changes a new co-applicant will require reapplying for a new permit) and concurrence with WSOR. Kannard/Mace. *Passed Unanimously.*

17. Adjournment.

- *Motion to Adjourn at 11:14 am – Gustina/Scallon. Passed Unanimously.*