

Wisconsin River Rail Transit Commission

Full Commission Mtg • Friday, 8 Feb 2008 at 10 AM • Dane Co Hwy Garage, 2302 Fish Hatchery Rd, Madison

1. WRRTC Chair Karl Nilson called the meeting to order at 10:02 a.m.
2. Roll Call (present for all or part of the meeting):

County	Commissioner		XCOM	Feb.
Crawford	Tom	Cornford	Advocate	X
	Phillip	Mueller		
	Rocky	Rocksvold		
Dane	Gene	Gray	1st Treasurer	X
	Jim	Haefs-Flemming		X
	Forrest	Van Schwartz	Advocate	X
Grant	Julia	Clark		X
	Robert	Scallon		X
	Velma	Weadge	2nd Secretary	X
Iowa	Charles	Anderson	Advocate	
	Ron	Berg		
	Mark	Masters		

County	Commissioner		XCOM	Feb.
Rock	William	Agnew	1st Secretary	
	<i>Vacant</i>			
	Alan	Sweeney		X
alternate	Ben	Coopmar		X
Sauk	Joel	Gaalswijk		X
	Rob	Sinklair	2nd Treasurer	X
	Larry	Volz		X
alternate	Marcy	Huffaker		
Walworth	Jerry	Grant		X
	Richard	Kuhnke	Advocate	X
	Allan	Polyock		X
Waukesha	Richard	Manke		X
	Karl	Nilson	Chair	X
	Robert	Thelen, II		X

Others present for all or part of the meeting: Joni Graves (SWWRPC Planner / WRRTC Administrator); Jim Matzinger (Dane County CPA / WRRTC Accountant); Ken Lucht (WSOR); Frank Huntington and Roger Larson (WisDOT); Dick Goddard (Pink Lady Rail Transit Commission); Arlene Volz (Sauk County); _____ (citizen).

3. Motion certifying Graves' having noticed the meeting's revised Agenda / Manke / Cornford / passed unanimously.
4. Motion approving the revised Agenda, prepared by Graves / Grant / Kuhnke / passed unanimously; Matzinger said he had a meeting conflict and it was agreed by consensus to move the Treasurer's Report up on the Agenda.
5. Motion approving the draft December 2007 Minutes, prepared by Graves / Van Schwartz / Grant / passed unanimously.
6. Motion approving the draft January 2008 Minutes, prepared by Graves and Susan Sloper / Kuhnke / Sweeney / passed unanimously; it was noted later that the January Minutes should refer to the Town of LINN (not LIND).
7. Public Comment – NA
8. **Correspondence & Communications** – a sympathy card was circulated and signed for the widow of former Commissioner "Doc" Martin (Grant County) and it was noted that he had been one of the original members of the WRRTC. Graves summarized updates from Mrs. Lippit on their ongoing efforts to have rail cars removed from a private siding in Grant County. Graves said she had attended a recent WisDOT public hearing commencing the regional division's long-range planning study for Hwy 14 and had provided the handouts to Huntington and Lucht.
9. **WRRTC Financial Report** – Jim Matzinger, Dane County CPA / WRRTC Accountant, distributed copies of the Treasurer's Report & Payables. He said it may appear that the Commission has a lot of money on the table, but that is because there are currently four open capital projects on the books. He had proposed that the Commission consider the option of moving money accrued from interest into its operating fund, rather than the project accounts. He noted that in November the Commission had moved money from its reserve account to support the 2008 capital project but that, as discussed at the time, this reduced the interest income that helps to support the Commission's operating costs, which includes \$8,000.00 for approximately half of the liability insurance premium. In discussion Huntington said the counties have historically retained the interest on any of their funds held by the Commission. Matzinger referred to the Treasurer's Report and said Grant and Walworth counties have funds held by the Commission that they could apply to the 2008 project. Van Schwartz asked whether any state statute limited the Commission's ability to make a decision about the allocation of interest income. Huntington said the Commission has been told over the years that it can do anything that it would wish with the funds.
 - Motion moving accrued interest income from the Commission's project account to its general operating account / Van Schwartz / Cornford / passed unanimously by the Full Commission and will be reflected in the pending 2008 Budget.

Matzinger referenced the Treasurer's Report and summarized the disbursement, including the balance for 2007 staff services; the \$49,600 balance of WisDOT funds from an earlier project, which will be transferred to WSOR and applied to the pending Janesville to Walworth project; and Dane County's document storage fee (Matzinger mused that perhaps some of the archive could be purged). In discussion Van Schwartz asked for background on the \$79K carried for the "Evansville Line." Huntington said it had been acquired in 1999 and is owned by the communities, who had put up all of the money and then approached the Commission about future acquisition. The money for possible acquisition was contributed by Rock, Green, and Dane counties, based on trackage, with 80% of the money from WisDOT. After further discussion, Nilson concluded that the Commission would continue to carry the allocated \$79,000 for this purpose.

- **Motion approving payment of the WRRTC's bills, as presented / Coopman / Sinklair / passed unanimously.**
- **Motion approving the Treasurer's Report, as presented / Van Schwartz / Cornford / passed unanimously.**
- **Motion authorizing that Johnson Block be engaged for \$3,700 to audit the Commission's 2007 financials / Van Schwartz / Sweeney /** in discussion it was noted that Johnson Block's audit of the Commission's 2006 financials had cost \$3,000, so the 2007 quote represents a 20% increase **/ passed unanimously.**

FOLLOW-UP: 1) The 2008 Dane County staff services contract, and 2) draft WRRTC budget for 2008 will be on the March 2008 Agenda. 3) More information is needed to ensure that, if the Commission's archives are weeded, it would be in compliance with applicable statutory requirements.

REPORTS & COMMISSION BUSINESS

Wisconsin & Southern Railroad's Report on Operations – Ken Lucht told the Commission about issues related to the weather, current bridge maintenance projects, and said the welded rail project from Avalon to Walworth will be finished in the Spring. WSOR is operating at restricted speeds system-wide because low temperatures were a contributing factor in the rail infrastructure failure and derailment near Edgerton in 2007 under similar weather conditions. He said the defects truck is running the lines and WSOR is quickly repairing or changing out rail where defects have been found. When completed, WRRTC will receive a copy of the defects report, which will inform the long-term capital upgrade plan. Although not under the current capital project, WSOR has installed 5,000 ties from Walworth to the state line to support its daily traffic to Chicago. In response to questions, he explained that WSOR is required to limit its Chicago operations to a narrow time window, which only allows one train down and one back per day.

FOLLOW-UP: Lucht had just received the ties comparison report and said he would present it at the March mtg.

10. **WSOR request for a letter supporting its petition to the STB seeking an alternative access route to Chicago via CN's trackage, as part of terms if the CN's acquisition of the EJ&E is approved** – Graves distributed copies of a draft WRRTC letter of support, her letter on SWWRPC letterhead, DATCP Secretary Nilsestuen's press release supporting the appeal, and WSOR's filing to the STB. Lucht explained that the CN is seeking to increase efficiency, via acquisition, so it could *go around Chicago*. *If the CN is successful, WSOR seeks to acquire the CN's current line and its access to Chicago*. Although the CN's acquisition of the major portion of the EJ&E would improve the flow of general rail traffic through the greater Chicago area, its *acquisition efforts have met with opposition in Illinois*. Lucht said Metra and Illinois Legislators have not been supportive of WSOR's efforts to increase traffic in and out of Chicago. Although Metra can't shut out WSOR's trackage rights under a 25-year-old agreement, it has refused to update terms which severely limit the level of service WSOR can provide to customers. WSOR's petition, which is supported by its shippers, seeks access via CN's Gray's Lake line and would make its operations more fluid, reduce congestion, and provide more timely service. The WRRTC took action after further discussion.
 - **Motion supporting WSOR's petition for increased access to Chicago, via the CN's Gray's Lake line, and approving the draft letter to the STB, with some minor changes / Van Schwartz / Thelin / passed unanimously.**
11. **WisDOT** – no report had been provided, but Frank Huntington distributed a handout summarizing applications for WisDOT's 2009 grant and loan program for rail projects. He explained how WisDOT would prioritize them, given that there is less money than the amount requested. Lucht said he did not know which projects WSOR would de-prioritize or reduce in scope, if less funding were awarded for its applications.

At a little after 11:00 a.m. the Chair called for a 10-minute break; the meeting resumed at 11:14 a.m.

12. **WRRTC Administrator's Report** – Joni Graves, SWWRPC Transportation Planner, provided an update on current WRRTC vacancies and her follow-up with county clerks, as requested by the XCom in January. She also provided a summary of her informal survey of county clerks regarding filings for the 2008 election and recommended that the Commission postpone the regularly scheduled May meeting of the Full Commission until June.

FOLLOW-UP: It was agreed by consensus to have an XCom mtg in May and postpone the FCom mtg until June.

Graves requested action on renewal of the SWWRPC's Staff Services Contract for 2008. She noted that the draft agreement did not include a dollar amount, but said booked staff service charges for 2007 were about \$21,500. She noted that the workload had increased with regional meetings and other activities, and asked the Commission to recommend the contract amount for 2008.

Tone Commissioner commented that the 20% increase for the pending audit was high and asked Commissioners what they thought would be an appropriate increase for SWWRPC's staff services. After a brief discussion, the Commission took action.

- **Motion approving renewal of the SWWRPC staff services agreement for 2008 for \$22,000, with direct expenses (mileage, postage, etc.) to be invoiced separately / Polyock / Sinklair / passed unanimously.**

Other updates included a brief summary of ongoing discussions between local environmental advocates, the DNR, and WisDOT re the permit for the Grant County Snowmobile Trail and the Hwy 133 Prairie Protection Project (forwarded from January's Correspondence & Communications). As part of the www.wrrtc.org update, Graves said this was the first meeting notice to the media and interest lists that had provided links to the Meeting Notice and draft Minutes on the Commission's website – rather than forwarding attachments (county clerks will continue to receive attachments or hardcopy, per their preference). She lauded Pat Weeden's continued work on the website and said this method of outreach was not only more efficient, but had resulted in a spike in visits to the Commission's website.

13. **Possible joint application to Sen. Kohl's office (w/ WSOR & Grant Co Dev Corp) for FY2009 appropriation for funds for the Prairie Sub (due 7 March)** – Graves and Lucht provided background on the Commission's earlier applications and the increasingly strong case that can be made for the need to improve the PDC Sub. Lucht said he thought it would be valuable to convey to Senator Kohl that there has been a tremendous increase in traffic on the line, which is the longest in the system> he said there are a number of fairly significant bridges that are being monitored weekly for safety. The rail on the line is 80-plus years old and is believed to be 90-pound. He said this is an invaluable opportunity to keep the need for these improvements in the forefront and that he would be glad to work with Graves. Huntington said that a RTC in the northern part of the state had received \$2.4 Million in earmark. After some discussion, Nilson said as long as earmarks are being used the Commission should try to get its share.
 - **Motion authorizing Graves and Lucht to submit an application for appropriations funding for safety improvements to the PDC Sub through Senator Kohl's office and copying other legislators representing the WRRTC's region / Sweeney / Van Schwartz / passed unanimously.**

14. **Ownership / responsibility for maintaining timber bridges in the right-of-way and specifically bridges in the Walworth County' Towns of Linn and Darien (forwarded from January)** – Commissioner Polyock said he had asked to have the item on the Agenda (and noted that the January Minutes should refer to the Town of LINN – not LIND). He said he had seen the bridge inspection report for the bridge in the Town of Linn and wanted to provide some points of clarification. He said his family has been building bridges for 60 years and that, in his opinion, the bridge does not need to be replaced. He said it was his understanding that it has been determined that the Commission owns the bridge. He said he would like the Commission to make some repairs to the structure and for the Town to do a mill-and -overlay on the deck. After further discussion, Huntington said it appears to be the railroad's responsibility, but that it would be a low priority for the railroad and all parties – except the towns, which may have to step up and take some role in the funding. He said he thought WisDOT would put in 80% under the local bridges program, with the rest from some other source, and would expect that the Towns would assume future responsibility. Polyock said he didn't see a problem with this proposal in the Town of Linn. Graves noted that although there's a weight restriction on the bridge in the Town of Linn, the bridge in the Town of Darien is out-of-use and WisDOT's timeline for new bridge funding is some time out. The County would have to reallocate funds approved for other bridge projects to the Town of Darien project. Polyock said he thinks the Commission should step up to the plate and participate. Coopman noted that WisDOT's program is allocated out to 2011 and said that in his experience ownership and responsibility continue to be issues at the local level , with many towns unwilling to put in any money and unwilling to participate in a jurisdictional transfer. After further discussion, it was agreed that the Commission needed more information, including an estimate of costs. Huntington said they had been unable to find any agreements and Coopman noted that even where agreements exist, they don't necessarily provide clear guidance under the existing three-party agreement with the WRRTC, WisDOT, and WSOR. He said the Towns are often left hanging.

FOLLOW-UP: Have the Town of Linn and Town of Darien bridge issues on the March Agenda in anticipation that more information may be available to inform discussion.

15. **Request for WRRTC staff / Commission participation proposed meeting to discuss issues related to Sauk County & federal timeline for Badger** – Graves said she had been contacted with this request / proposal by Marty Krieger, Sauk County Board Chair. Huntington said there was no update from the GSA at this time. Van Schwartz asked why the Commission should participate in any further meetings to discuss this issue when there is no new information to discuss. Dick Goddard, Chair of the Pink Lady Rail Transit Commission, said it was his understanding that money for the federal clean-up has been removed from the budget. After some discussion, Nilson said the Commission is also frustrated by the delays, but that he did not see much that the Commission could actually do. Volz and Sinklair said they would discuss the matter with the Sauk County Board Chair at the next meeting of Sauk County's Transportation and Parks Committee.

FOLLOW-UP: It was requested that the Minutes note: **1)** receipt of Mr. Krieger's inquiry related to Sauk County and the federal timeline for resolution of the Badger site, **2)** the Commission's lack of authority to bring about resolution of the matter, and **3)** the Commission's shared frustration with the apparent lack of progress towards resolution of this matter at the federal level.

- 16. Jefferson County & WRRTC Membership** - Coopman summarized the recent presentation to a Committee of the County and informal discussions with people from Jefferson County at the recent WCHA conference. He said that although there is support for joining the WRRTC, there are also concerns about funding membership. It was noted that most of the County's rail issues are with the UP railroad, which has not granted WSOR a trackage agreement to serve the ethanol plant.
- 17. The meeting adjourned by consensus at 12:10 p.m.**