

# Wisconsin River Rail Transit Commission

XCom Mtg – Friday, 7 March 2008 at 10 AM | Dane Co Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI

- Karl Nilson, Chair, called the meeting to order at 10:01am.**  
He welcomed Art Phillips – new Commissioner appointed by Rock County.

- Roll Call** (present for all or part of the meeting):

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

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

**Others present for all or part of the meeting:** Joni Graves (SWWRPC / WRTC Administrator); Jim Matzinger (Dane County CPA / WRTC Accountant); Ken Lucht and Ben Meighan (WSOR); Frank Huntington and Roger Larson (WisDOT); Richard Goddard (Chair, Pink Lady RTC); Sam Landes (Director, Association of WISnowmobile Clubs); Tom Chvala (Past VP, AWSC).

- Motion certifying Graves' public notice of the meeting / Agnew / Van Schwartz / passed unanimously.**
- Motion approving the Agenda, prepared by Graves / Van Schwartz / Gray / passed unanimously.**
- Motion approving the draft February Minutes, prepared by Graves, who noted that she had corrected a few typos in the draft version that had been mailed / Kuhnke / Van Schwartz / passed unanimously.**
- Public Comment** – Nilson extended sympathy to WSOR on the death of a crew member earlier in the week.
- Correspondence & Communications** –
  - Snowmobile crossings on railroad right-of-way and winter maintenance (see #8 below)
  - DRAFT Resolution submitted to Sauk County's Transportation and Parks Committee seeking support for "...the Immediate Conversion [underlined for emphasis in original] of the existing right-of-way to a recreational trail under the provisions of rail banking and a rails to trails conversion ... [and] the rail banking of the existing railroad right-of-way from a point beginning at the truncated Wisconsin River bridge on the west side of the river in the Village of Sauk City, and ending at a point where active rail service is no longer utilized by current shippers immediately north of the Village of Prairie du Sac, and its conversion to a recreational trail, consistent with the provisions of 16 U.S.C. 1247."
  - Dane County Land and Water Resources Department's November 2007 meeting update on "...concept of proposed trail, water and rail improvements between Lake Farm County Park and McDaniel Park in the Village of McFarland" and proposal to form a stakeholder committee.

Commissioner Sinklair arrived at 10:07am and was asked if he wished to speak to #7. Sinklair questioned why the item was on the Agenda and whether it was "correspondence" at all; Lucht said he had forwarded the County Committee's draft resolution to Graves. Sinklair said the discussion at the Sauk County Transportation and Parks Committee the day before had focused on the Merrimac Bridge. He asked, if it went down does the Commission have a plan? Van Schwartz said the Merrimac Bridge is owned by the UP Railroad and WSOR uses it under an agreement with the UP; he questioned the relevance and applicability of the Commission's being asked to have a contingency plan related to its use

and, after further discussion, he dismissed suggestions that the Merrimac Bridge situation was unique in railroading. Sinklair said he was conveying concerns, expressed by the Chair of Sauk County's Transportation and Parks Committee, that the bridge is vital and the suggestion that the Commission fund a study to learn about the bridge's condition. Nilson asked that related issues be on a future Agenda for further discussion.

**FOLLOW-UP:** Further discussion of Sauk Co's rail access concerns including privately owned Merrimac Bridge.

## **REPORTS & COMMISSION BUSINESS**

8. **Wisconsin & Southern Railroad's Report on Operations** – Lucht thanked the Commission for its condolences. **Monthly Maintenance Activities** - Ben Meighan said it was the worst winter in memory and recounted several problems. He said the next week would be critical with freeze / thaw conditions. They are concerned about the soft ground during "the mud season" and may have to start tamping earlier than normal. He said everyone's been learning from this experience and noted that of 230 people on staff, probably only 10 had been through a winter like this. As for "normal" maintenance, he said they had just fired up the brush-cutter the day before and would resume use of the defect detector when weather conditions improve. Ties will arrive the following week and plans are to install 6,000 between Middleton and Mazomanie and new ties on the Watertown line. He said they have bought some new equipment to assist with anticipated work and have sent some staff to training. After some questions, he said they anticipate some complaints about rough crossings and assured Commissioners they will get to them as quickly as possible. **Capital Project Planning** – Lucht said WSOR has two major projects before WisDOT and, referring to the application summary distributed by Huntington at the previous meeting, said that with only \$11M available in the grant program WisDOT had received application requests totaling \$23M. Lucht said, "We're concerned that we may not get funding for projects, such as the one in the WRRTC's area, or the one on the Northern Division. We're stuck right now – we don't even know what materials to order." Summing up his concerns, he said it will be very competitive and noted that Rock County has indicated that it plans to pass a Resolution in support of the pending project on the Southern Division.

**Discussion / possible action on maintenance of snowmobile crossings** – Lucht said they have had a number of problems and thanked Sam Landes for his efforts to increase awareness. Lucht emphasized the need for a safe and efficient rail system and cited the hours and hours that rail crews have had to spend chipping ice at snowmobile crossings. He said the snowmobile clubs, and their insurers, need to be more aware of the issues. He said there are no penalties for the clubs for poor crossing maintenance under State Statute and expressed frustration that "We can't go through this every year!" Nilson said it sounds like education issue. Meighan agreed that many club members don't know about the maintenance requirements and that's it's been a challenge contacting club members. He said that in at least one case, trail members were there in the middle of the night helping to chip ice. Some have told him they would clean the crossings once a week, but WSOR runs trains every day. He explained that the Class 1's don't have the same problems because their trains may run every two hours. Nilson said it's important that we get this message out. Meighan said he hopes each club will designate a patrolman to inspect crossings every day. Landes told the Commission, "We value our relationship with you, WSOR, and all of the property owners" and have communicated with all of the clubs in the Association through each County Coordinator to provide information on procedures and would continue to do so. After further discussion, Van Schwartz said it would be an excellent idea for WSOR to go to the insurance companies with concerns. Meighan said WSOR has not done that yet, and has been working with Landes and the Association. Van Schwartz expressed further concerns and Landes said "... it behooves us to be concerned too." After further discussion, Nilson concluded that it's important to work together and to continue the education efforts. He thanked Phillips for his recommendations on uniform process / communication with the counties and snowmobile clubs.

**WSOR Report** (continued) – Lucht distributed a handout on WSOR's "Production Totals Yrs 2004-2007" and summarized the comparison of ties laid in 2006 and 2007. He provided an update on efforts to obtain an alternative access route to Chicago and the petition to the STB, thanking the Commission for its letter of support. At its last meeting the WRRTC had authorized Graves and Lucht to prepare an application to be submitted to Senator Kohl's office for FY2009 appropriation funds for the Prairie Sub. Lucht said he and Graves had been working on the proposal and had gotten an extension for the application deadline (March 7<sup>th</sup>) so the Commission could be briefed on the final details. As Lucht explained, the application requests funding to improve or replace deficient bridge structures. With increased traffic – "The projections are just staggering!" – on the longest subdivision in the system, the structures are bearing more trains of greater weight. With funding, they would be upgraded to safely accommodate today's rail standards. Kuhnke

asked for an update on Jefferson County and Meighan indicated that there has been progress in WSOR's discussions with the UP Railroad.

***The Executive Committee took a break at 11:00 am and returned at 11:10 am.***

9. **WRRTC Financial Report** – Matzinger distributed the report and said invoices had been sent to the WRRTC's member counties and to the PRTC. He provided an update on money available and interest earned. Expenses had matched the budget; interest income was greater than projected and under new IRS rules it had to be recognized in the year earned. Under receivables was a check from WSOR in the amount of \$21,610.06. He asked the Commission to approve a check for \$374,746.95 for the Avalon-to-Walworth project, leaving \$54,553.05 remaining.

- **Motion approving payment to WSOR, in the amount of \$379,300.32 towards the 2006 and 2007 rehab projects / Sinklair / Gray / passed unanimously.**
- **Motion accepting the Treasurer's Report, as presented / Van Schwartz / Sinklair / passed unanimously.**

Matzinger presented the WRRTC 2008 Draft Budget for discussion and possible action. Van Schwartz noted that the Commission had discussed not having an engineering inspection of the Sauk Bridge this year. As part of the budget discussion, Matzinger provided an update on Dane County's accounting services and fee for documents stored onsite. Referring to a comment at the February meeting, Graves said if "weeding" is undertaken input should first be sought from the Commission's attorney as there are some process requirements.

- **Motion adopting WRRTC's budget, as presented, for 2008 / Van Schwartz / Gray / passed unanimously.**

Matzinger distributed copies of the 2006 Audit and was asked to mail the rest to the County Clerks.

10. **WRRTC Administrator's Report** – Graves provided an update on correspondence, noting that the Kattner permit (Illinois) had been finalized, and distributed the [www.wrrtc.org](http://www.wrrtc.org) update. With all of the weather-related discussion, she commented on a plaque on the wall of the cafeteria, where the Executive Committee was meeting, recognizing Dane County highway employees and commending them for work during the severe winter of 1979 – and said perhaps this winter's challenges for maintenance crews would equal or rival those of 1979.

11. **WisDOT** – Huntington had been asked to speak to the ongoing discussion regarding ownership / responsibility for maintaining timber bridges in the right-of-way and specifically bridges in the Walworth County' Towns of Linn and Darien.

*At Graves' request, Huntington provided this written summary of his remarks:*

Frank Huntington reported that he has had discussions within WDOT regarding the maintenance and replacement of Town Road bridges located on rail right of way and owned by the Commission. He reported that although the records regarding ownership of these structures are somewhat incomplete, there is evidence that the railroad has historically been involved in constructing and maintaining the structures. Therefore it is reasonable to assume that the Commission and WDOT acquired ownership of the bridges when the line was acquired. The responsibility for maintenance of the structures was passed to the WSOR in the Operating Agreement along with the responsibility for maintaining the rest of the line. He added that he has discussed possible approaches to maintaining these bridges with other Railroads and Harbors Section Staff and with WDOT Local Bridge Program Staff. As a result WDOT feels that the best way to address these structures is to replace them, when necessary, by using funds from the local bridge program to cover 80% of the cost. The remaining 20% could be shared in some manner by the Commission, WSOR, the Town and/or the County. If necessary WDOT is willing to cover a part of the local match with Freight Rail Assistance Program Funds. However, that would take funds away from other rail projects. He noted that there is some question as to how to make these bridges eligible for funding under the local bridge program. To be eligible the bridge needs to be owned by or under the jurisdiction of a local taxing authority. There is some question as to whether the Commission is an eligible applicant. He is still trying to get an answer on that issue. If the Commission is not an eligible applicant, then the bridge will need to be transferred to the town or county in some way to make it eligible. He noted that these bridges are generally a higher priority issue for the road authority than they are for the railroad. Hopefully the road authorities will be interested in assuming some responsibility for future maintenance once the bridges are reconstructed. These details will need to be worked out between the Commission, WSOR and the local road authorities. He indicated he will continue to follow-up on this issue within WDOT until he has more specific information

as to how the Local Bridge Program can be used. Huntington also reported that he has been in contact with representatives of Town of Darien specifically regarding the North Road Bridge. That bridge is currently out of service and the Town is concerned about how long it may take to get it replaced. [*Frank Huntington, 24 March*]

In response to questions, Huntington said there are six or seven Town Road bridges located on rail right of way in Green, Rock, and Walworth Counties. Nilson asked if the Commission had received further information from Commissioner Polyock and Graves said No; Nilson recommended that this be a future agenda item and commended the efforts to work together to resolve the issues and bring about resolution.

**FOLLOW-UP:** Further discussion and possible action re Town Road Bridges.

12. Nilson noted that Bill Agnew was not running for reelection and commended him for his service.
  - **Motion adjourning the meeting at approximately 12:30 pm / Sinklair / Gray / passed unanimously.**