

Wisconsin River Rail Transit Commission

Executive Committee Mtg – Friday, 9 May 2008 at 10:00 a.m.

Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

1. WRRTC Chair Karl called the meeting to order at 10:01 a.m.
2. Roll Call (Commissioners present for all or part of the meeting):

County	Commissioner		XCom / Alt.	May
Crawford	Tom	Cornford	Advocate	X
	Rocky	Rocksvold		x
	Vacant			
Dane	Gene	Gray	1st Treasurer	X
	Jim	Haefs-Flemming		x
	Forrest	Van Schwartz	Advocate	X
Grant	DuWayne	Carlin		
	Margaret	Ruf		
	Robert	Scallon		
Iowa	Charles	Anderson	Advocate	X
	Gerald	Dorscheid		x
	Joe	Thomas		

County	Commissioner		XCom / Alt.	May
Rock	Katie	Kuznacic		
	Alan	Sweeney		
	Terry	Thomas		
	Ben	Coopman	Alternate	
Sauk	Joel	Gaalswijk		
	Rob	Sinklair	2nd Treasurer	X
	Larry	Volz		x
Walworth	Marcy	Huffaker	Alternate	
	Jerry	Grant		
	Richard	Kuhnke	Vice Chair	
Waukesha	Allan	Polyock		
	Richard	Manke		
	Karl	Nilson	Chair	X
	Robert	Thelen, II		

Others present for all or part of the meeting: Susan Sloper (SWWRPC Planner); Jim Matzinger (Dane County CPA / WRRTC Accountant); Eileen Brownlee (WRRTC Attorney); Ken Lucht (WSOR); Frank Huntington and Roger Larson (WisDOT); Dick Goddard (Pink Lady Rail Transit Commission); Halsey Sprecher (Sauk County Board); Bonnie DeGroot (Village of Spring Grove, IL); Kathy Jennings (MSA Professional Services for the Village of Arena).

3. Motion certifying Graves' having given proper notice of the meeting / Gray / Van Schwartz / passed unanimously.
4. Motion approving the Agenda, prepared by Graves / Van Schwartz / Dorscheid / passed unanimously.
5. Draft Minutes – Sloper explained that Graves was visiting her father, who was hospitalized, and the draft April Minutes are pending because, as Graves explained in the letter mailed with the meeting packet, she had prioritized work on the follow-up information request from Senator Kohl's office re WRRTC's appropriations proposal.
6. Public Comment - NA
7. Correspondence & Communications – Sloper said there were several letters that came into the office and circulated copies of each for Commissioners to read:
 - a. Letter from Kathleen Falk, Dane County, re WSOR's application for 2009 FRPP funding
 - b. Letter from Secretary Busalacchi re WSOR's 12-year capital plan
 - c. SEC letter regarding Village of Richmond (Illinois) Engineering Study for Richmond Bypass
 - d. Pink Lady RTC Resolution: a) supporting development of an option of through rail service via Badger Army Ammunition Plant, b) supporting acquisition by WisDOT of rail line through Badger Army Ammunition Plant, and c) supporting Rails-to-Trails concept on the ROW through Sauk City and Prairie Du Sac, when a plan of service on such an alternate ROW is established
 - e. Correspondence referencing the Town of Prairie du Sac, Village of Prairie du Sac, Village of Merrimac, and Village of Mazomanie and their advocacy for their interest in conversion of the freight rail right-of-way to the federal Rails-to-Trails program
 - f. State Journal article - "Links Sought for State Trails for Bicyclists" (date)

- g. Sinklair noted that a letter from Senator Dale Schultz to Governor Jim Doyle was included in the packet sent to Commissioner and referenced on the Agenda under Correspondence.

8. **Appointments / Reappointments to the WRRTC** – Sloper briefed the Commission on WRRTC appointments / reappointments provided to her or Graves to-date: 1) formal action by Walworth County is scheduled for mid-May; the Sauk County Chair had indicated some changes, which the County Clerk had said were pending until formal action May 20th; and Grant and Iowa Counties have made new appointments. Nilson said although he is no longer on the Waukesha County Board, the County Executive had asked him to continue as a citizen appointee, so “it looks like you might be stuck with me” adding that it is an honor to represent the County on the WRRTC.

REPORTS & COMMISSION BUSINESS

9. **Wisconsin & Southern Railroad’s Report on Operations** – *Ken Lucht (WSOR)*

Monthly Maintenance Activities – Lucht said the tie project has begun; during the week of April 28th, WSOR worked on the tie project from Mazomanie to Cross Plains, laying about 800 ties / mile (between 1,000 and 1,200 ties were installed / day, with 6,00 total maintenance ties installed in two weeks). The installation of new ties between Mazomanie and Cross Plains is expected to increase the permitted track speed from 10 mph to 25 mph and this is one in a list of many projects to handle traffic and business in and around Mazomanie. Outside Madison, surface work will be done on the Watertown Sub. WSOR will install maintenance ties between Sun Prairie and Watertown and on the Monroe Sub. The brush-cutter is currently on the Prairie Du Chien Sub. **2008 State Rehab Projects** – Lucht said there has been verbal approval from WisDOT regarding the Madison to Milton tie project, which includes replacing 30,000 new ties – 1,000 ties per mile. They will also reconstruct several (30 -35) grade crossings and other items such as switch packages. This will be Phase I in a larger project (Phase II will include installation of continuous welded rail from Milton to Madison in 2009) and materials have been ordered. Fourteen miles of continuous welded rail will also be installed this year between Hartford and Horicon; the rail has been ordered and is in the shop in Colorado – once it comes on the property, WSOR will begin installation. **2008 rail inspection schedule for the WRRTC Full Commission** – Lucht told the Commission that rail inspection is complete and defect reports will be available shortly. He said WSOR has two planned dates for rail inspection trips for Commissioners and will work with Graves and Sloper on logistical details. WRRTC Commissioners and their colleagues of their County Boards are invited. **Other Items** – 1) On April 25th, the American Short Line Regional Association awarded the “JAYC” award to WSOR for safety practices; 2) the EH Herrin Memorial Institute will award WSOR the Certificate of Accommodation on Most Improved for Employee Safety for 2006-07 year and Lucht said WSOR strives for employee safety and provides incentives to employees to work safely. Bill Gardner will go to Washington D.C. to accept these awards in late-May. Wednesday, May 14th is Wisconsin’s Operation Lifesaver Day. The Wisconsin Chapter, State Patrol, WisDOT, and local law enforcement agencies in Dane County will hold an “office on the train trip” in the morning. Several patrol officers will board the WSOR locomotive to observe railway safety practices. Lucht said WSOR is happy Governor Doyle proclaimed this day, as trespassing and fatalities continue and WSOR need to continue efforts to partner with local law enforcement to keep these figures as low as possible. Huntington commented that there was an article about Operation Lifesaver in the daily paper.

10. **Consideration / Support for WSOR’s 2009 Planned Capital Upgrade Projects** – Lucht said WSOR wants to plan and present 2009 projects to WRRTC for Commissioner’s to take back to their County Boards to plan for County appropriations. They are waiting on cost figures and information from the state as to possible state funding. He said the two projects are:

- Phase II rail project from Madison to Milton – laying continuous welded rail for about 30 miles
- Installation of 30,000 ties from Middleton to Arena – a project that he said is badly needed.

Dorscheid asked about the Prairie Du Chien Sub and Lucht said projects are prioritized and they hope to come back to the PDC Sub following a few other projects. Huntington said next year has been really tough to plan for, as there will be a new WisDOT budget and funding could be less, the same, or more. He said the Commission has submitted an appropriations application for money for bridgework around Prairie Du Chien. He said it doesn’t appear that there will be less money available, but there are several factors which may delay next year’s work until fall 2009 and WisDOT won’t have any control over that if it happens. He said WisDOT has used all of the money for this year’s budget and, until there is a new budget, there will be no more money.

Follow-Up Agenda Item: Discussion/presentation on WSOR's 2009 Planned Capital Upgrade Projects.

11. **WRRTC Financial Report** – Jim Matzinger distributed the Treasurer's Report and summarized it, explaining that there are currently three projects outstanding (2006 Walworth to Janesville, 2007 Avalon to Walworth, and 2008 Milton to Madison). He said if all of these projects were closed, the financial breakdown for remaining funds is the Evansville line (\$78,000), unallocated county dollars (\$74,000), and unrestricted funds that the Commission controls (\$94,000). This month's activity is a bill for the Walworth to Janesville 2006 project in the amount of \$9,000.
 - **Motion accepting the Treasurer's Report and approving payment of the Commission's bills, as presented / Gray / Van Schwartz / passed unanimously.**
12. **WRRTC Administrator's Report** – Susan Sloper, SWWRPC, briefed the Commission on plans for the June meeting of the full commission meeting and elections. She said more information had been requested regarding the WRRTC/WSOR appropriations proposal submitted to Senator Kohl's office and Graves and Lucht had responded. She noted that a letter from Senator Schultz to Governor Doyle re the BAAP impasse was included in the meeting packet and distributed a copy of the response letter from Secretary Busalacchi. Van Schwartz asked to be on record saying that he thought the response from Secretary Busalacchi was very well done, pertinent, and correct. Sloper circulated a recent NADO report Short Line Railroads: Saving an Endangered Species of Freight Transport, which is available online at www.RuralTransportation.org/files/shortline.pdf; she also distributed copies of the WRRTC website usage report.

Sinklair said he would like to have the letter from Senator Schultz, which was in the Agenda packet, read into the record and Nilson directed him to do so:

April 11, 2008

Dear Governor Doyle,

On behalf of many constituents, I request that you provide the leadership and action needed to resolve interrelated rail-to-trail and freight rail interests focused in Sauk County and having regional and statewide stakeholders.

You have the opportunity to greatly enhance Wisconsin's premier trail system with a continuous trail from Madison to LaCrosse, by completing the missing link of that trail in Sauk County. Trail advocates statewide see the potential and none are less enthusiastic for the trail's development than the community leaders and residents in the Villages of Sauk City and Prairie du Sac and the Town of Prairie du Sac (please see their attached joint resolution). Residents in Sauk Prairie have grown understandably frustrated as a state-owned rail corridor running through the three Sauk Prairie municipalities has sat unused for a decade. This situation is intolerable for residents of these communities.

In a related concern, the fate of hundreds of Wisconsin jobs depends on a rail bridge at Merrimac that was built in the late 1890's. Based on what is known of the bridge's condition, it is only a question of when the bridge will require major structural work to remain in service. This situation imperils thousands of jobs within the region.

Stakeholders for the interrelated Madison-Reedsburg rail line and Madison-LaCrosse trail concerns include the communities, workers and employers along the corridors, Executive Agencies of your administration including the DOT and DNR, and units of government from local to federal and the HoChunk Nation. Stakeholder interests include the community and economic development goals at the local, regional and state levels for manufacturing, agriculture, tourism and healthy lifestyles.

I respectfully request you designate a person from your administration to provide leadership to address and take action on these issues. People have been patient long enough for the completion of the trail and attention to rail concerns of vital interest to the economy.

People deserve to know the state shares their concerns and is willing to provide the leadership and action to achieve the goals of ensuring viable rail service for the long-term and proceeding with a Rails to Trails development that will be a vital asset to the Sauk Prairie area and to the state.

I welcome a contact to discuss ideas for how to proceed.

With kindest regards,

Dale W. Schultz

Van Schwartz said he didn't imagine that Dale Schultz had gone out and invested hours researching this situation and that he believes agenda-driven people were involved in writing it. Re the reference in the third paragraph that "...it's only a question of when the bridge will require major structural service" he said one could make that statement about every highway and bridge in the U.S. Sinclair asked whether this was Van Schwartz's opinion or whether he was speaking for Dane County and Van Schwartz said it was his opinion.

The text of the letter from WisDOT Secretary Busalacchi, which had been referenced as WisDOT's response to Senator Schultz' letter, follows:

May 6, 2008

The Honorable Dale Schultz
Wisconsin State Senator

Dear Senator Schultz:

Governor Doyle has asked that I respond to your recent letter involving railroad lines in Sauk County.

Your letter addresses several issues. The rail line from Madison to Reedsburg that could potentially provide a corridor to connect with the 400 State Trail to complete a potential Madison to La Crosse trail is privately owned by the Union Pacific Railroad. Any use of the corridor for trail purposes would need Union Pacific Railroad concurrence.

The Department of Transportation has worked closely with the Pink Lady Rail Transit Commission since its creation in the Commission's efforts to work with Sauk County, Sauk County communities and shippers, the Wisconsin & Southern Railroad and the Union Pacific Railroad to increase business on the line and continue it as a viable private enterprise. Through this effort, service on this line has been maintained and the rail line serving Sauk County has been kept in private ownership, without the use of limited public funds. I believe this is a positive for the state. I hope that the businesses in Sauk County continue to support the rail service with their usage and that the line remains in private ownership.

The railroad bridge at Merrimac is located on the Madison to Reedsburg line owned by the Union Pacific Railroad. We have had no indication from either the Union Pacific Railroad or the Wisconsin & Southern Railroad, which operates on the line, that there are any structural concerns or problems with the bridge that cannot be addressed with routine maintenance.

The Union Pacific Railroad and the Wisconsin & Southern Railroad are eligible to use the state's rail assistance loan program if they were to need assistance with issues related to the bridge or the rail line. Program applications are scored competitively and ranked each year. Thus far, neither entity has submitted an application for any projects involving this line.

It is true that the railroad line in the villages of Sauk City and Prairie du Sac and the town of Prairie du Sac has been unused for railroad purposes since the bridge over the Wisconsin River at Sauk City was damaged in 1997. Because the line through the communities is currently unserviceable, rail service to the United Cooperative facility located north of Prairie du Sac, is dependent on use of the rail line through the Army's Badger Ammunition Plant.

The Sauk City/Prairie du Sac line was purchased by WisDOT in 1980 for the specific purpose of providing continuation of rail service. Until the state is able to secure an easement that will ensure the availability of rail service to the Co-Op using an alternate route following closure of the plant and transfer of the land, it is premature to convert the corridor to recreational uses.

The department is actively communicating with the General Services Administration (GSA) to reach agreement on the needed easement. We have been assured that the GSA desires to conclude the transaction by the end of the year.

The department has a history of working with communities desiring to place trails on state-owned rail corridors. There are several examples in Madison where trails are in place or under construction on currently used rail lines and those in a rails-to-trails status. I am confident that when the time is right, productive negotiations will occur.

Sincerely,

Frank Busalacchi, Secretary

cc: Vicki Breunig, Administrator, Village of Sauk City; Alan R. Wildman, Administrator, Village of Prairie du Sac; Richard R. Goddard, Chairman, Pink Lady Rail Transit Commission

Volz said the Sauk County Highway Committee has worked on getting the Merrimac Bridge inspected, has one quote, and is waiting on another quote for the work. Anderson asked whether it would be possible to have UWP students evaluate the Merrimac Bridge, as had been done for the Sauk Bridge.

13. **WisDOT Update** – Frank Huntington said he hopes to have final authority by Monday to sign contracts for the rehab projects referred to by Lucht. He said there is word that the projects are approved and are awaiting bonding authority. He said no commitment can be made re projects for next years' budget until it is approved. He said there is no new report on the local bridge issues: Creek Road Bridge is in the program and moving along, but nothing is new since the last meeting and WisDOT staff continues to work with the Townships on these issues.
14. **WRRTC property in the Spring Grove, IL, and request for removal of structures** – Bonnie DeGroot, Village of Spring Grove, IL, presented a request for removal of structures on Commission property. She distributed pictures of the buildings, acknowledged that communications had faltered, and said the Village hopes to rectify the lack of communication now that the previous zoning / building inspections director has retired. She said the Spring Grove Fish Hatchery has been closed since 1994 and the Village received the property from the DNR, which is letting them develop it, noting that it is a beautiful area with the exception of these buildings. She said the Village has a population of 5,000 residents and a low crime rate, but there have been juvenile delinquency / trespassing issues at this site and the perception is that the buildings create a dangerous environment. She said she was “sure that the rail commission does not want property looking like this eyesore” and that these buildings need to be moved or demolished, concluding that anything that the Commission could do would be greatly appreciated. Regarding the redevelopment of the area, she said fundraisers are being held and the Parks Department has budgeted to contribute to the redevelopment project. To date the Village has approximately \$50,000 allocated from these sources, received a \$65,000 grant from American Express, and is currently seeking other grant funds for the fish hatchery property. The Village is trying to figure out issues related to ownership of the gravel road, and the Village is willing to fix it up and would like to have access via Wing Road, to the west, which does not connect to the property since a bridge went out some years ago. She said the snowmobile trail could be widened to provide road access but, although they do not know who owns the road, they would prefer to improve the existing road. She said their goal is to make it a beautiful area and that this could be a “win-win” for both the Village and the Commission.

Van Schwartz said the Commission had been in support of deeding the road to the Village awhile ago, with the understanding that the Village would knock down the building, but this was an informal offer, which was never voted on by the Commission, because it never received a formal response from the Village.

Sinklair asked the Commission's attorney, Eileen Brownlee, about the status of tax issues and she said she recollected that the taxes for the “improvements” had been resolved but that the Commission pays taxes on the road, although she said she wasn't sure of the details. Matzinger said he thought they took WRRTC off the tax rolls until the Village figured out the ownership status. Brownlee said WRRTC had told the Village that the Commission owns the road and has paid taxes on it but, all of a sudden, it had disappeared from the tax rolls the next year and the Village had said it was a public street. DeGroot said the Village has a new zoning / building inspections director, Village President, Attorney, and Chief of Police so there have been a lot of changes since the last time Village and WRRTC representatives discussed these issues. In response to further discussion, she said she would try to get a copy of the survey / title for Brownlee. To close, Nilson called for an exchange of contact information and continued discussion of the property issue at the June meeting of the full Commission.

Follow-Up Agenda Item: Village' request for removal of WRRTC structure / property in Spring Grove, IL.

The Commission took a break at 10:55 a.m. and the meeting resumed at 11:08 a.m.

15. **Request for removal of structures owned by WRRTC in Arena, WI** – Kathy Jennings, MSA / Village Engineer said there are three sheds that the Village would like to see removed and, apparently the railroad had a verbal agreement with Steve Foye (former WRRTC Chair) to the effect that he could use the sheds as long as he had use for them. Since

Foye's death most of the stuff stored in the sheds was cleared out but his son has continued to use them for storage. The Village sees the sheds as an eyesore and a safety hazard. Jennings said she spoke with Steve Foye, Jr., and he had said that, with enough time, he could get his stuff out. She said two options were presented to the Village: it could take down the sheds or present the issue to the Commission to see what could be done, since it does not see why it would need to need to take down the sheds and pay the expenses in order to get them removed. Lucht said the railroad does not own the buildings and what may have been an informal agreement does not exist anymore. Jennings said it was also determined that the land under the buildings belongs to WisDOT and the Commission owns the buildings. Huntington said when the title was written all improvements (buildings, bridges, ties, etc.) were transferred to the Commission. Gray asked what the buildings were used for, prior to Steve Foye's use. Lucht said some materials had been stored there but all equipment and materials had been removed and WSOR has nothing in the buildings. Brownlee said one of the things that came to her attention was that Southwest Wisconsin Technical College has fire education classes, which are always looking for buildings to burn. She said Graves was in contact with SWTC's program, which may be planning to look at the buildings, and was also going to speak with Madison Area Technical College's department to see if their 'firebugs' would be interested, noting that the requirement is that there cannot be any hazardous substances in the buildings. Jennings said the Village would likely be open to having the building burned – concluding that they just want them removed from the property – and that the Village has a Volunteer Fire Department, so it is possible that they could burn them down as well. Brownlee suggested the Commission continue exploring the fire option, with either the Volunteer Fire Department or one of the Technical Colleges. Nilson said if the roofs are tin or steel they could be worth some money, and asked if they were Milwaukee Road Buildings and Huntington said he was certain that they were.

Follow-Up Agenda Item: Village' request for removal of WRRTC structure / property in Arena, WI.

16. Motion adjourning at 11:17 a.m. / Sinklair / Cornford / passed unanimously.