

# WISCONSIN RIVER RAIL TRANSIT COMMISSION

719 Pioneer Tower • 1 University Plaza • Platteville, Wisconsin 53818

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MEMBER COUNTIES: CRAWFORD • DANE • GRANT • IOWA • ROCK • SAUK • WALWORTH • WAUKESHA

DATE: 4 October 2008  
TO: Wisconsin River Rail Transit Commissioners & Other Interested Persons  
FROM: Joni Graves, AICP, SWWRPC Trans. Planning Program Manager / WRRTC Administrator

## Wisconsin River Rail Transit Commission Exec. Committee Mtg - Friday, 10 October 2008 at 10 AM Rm. N1 & N2, 5<sup>th</sup> Floor, Rock Co. Courthouse **51 S. Main St., Janesville, WI**

At the September meeting of the Executive Committee, it was approved to change the location of the October Executive Committee meeting to Rock County, with a rail inspection trip to follow. Although this will be an Executive Committee meeting, a quorum of the Full Commission may or may not be present for the meeting and/or the optional rail inspection trip that will follow.

According to the Wisconsin Department of Justice, "When a quorum of the members of one governmental body attend a meeting of another governmental body under circumstances where their attendance is not chance or social, in order to gather information or otherwise engage in governmental business regarding a subject over which they have decision-making responsibility, two separate meetings occur, and notice must be given of both meetings. *Badke*, 173 Wis. 2d at 577. The Attorney General has advised that, despite the "separate public notice" requirement of Wis. Stat. §19.84(4), a single notice can be used, provided that the notice clearly and plainly indicates that a joint meeting will be held and gives the names of each of the bodies involved, and provided that the notice is published and/or posted in each place where meeting notices are generally published or posted for each governmental body involved. Friedman Correspondence, March 4, 2003. ... Where enough non-members of a subunit attend the subunit's meetings that a quorum of the parent body is present, a meeting of the parent body occurs, and the notice requirements of Wis. Stat. § 19.84 apply. *Badke*, 173 Wis. 2d at 579. Source: WISCONSIN OPEN MEETINGS LAW COMPLIANCE GUIDE 2007

[http://www.doj.state.wi.us/AWP/2007OMCG-PRO/2007\\_OML\\_Compliance\\_Guide.pdf](http://www.doj.state.wi.us/AWP/2007OMCG-PRO/2007_OML_Compliance_Guide.pdf)

### WRRTC's 2008 Meeting Schedule:

- 2008.10.10 WRRTC Exec. Committee Meeting
- 2008.11.07 WRRTC - Full Commission Meeting
- 2008.12.05 WRRTC Exec. Committee Meeting

**NOTE:** The WRRTC's meetings are usually held at 10:00 a.m. on the **first Friday after the first Tuesday of the month** at the **Dane Co. Hwy. Building** in Madison, WI.

**NOTICE is sent to:** County Clerks in WRRTC's Region for Posting and to Local News Media as an FYI.

*Thank you for your interest and assistance.*

To learn more about WRRTC, please visit our website at [www.wrrtc.org](http://www.wrrtc.org)

# Wisconsin River Rail Transit Commission

Executive Committee Mtg - Friday, 10 October 2008 at 10 AM

Rm. N1 & N2, 5<sup>th</sup> Floor, Rock Co. Courthouse, 51 S. Main St., Janesville, WI

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|-----------------|---|
|                 | 10 minutes estimated   Action Items   |
| 1. 10:00 AM     | <b>Call to Order</b> – <i>Karl Nilson, Chair</i>  |
| 2. Roll Call.   | <b>Establishment of Quorum</b> – <i>Joni Graves</i>   |
| 3. Action Item. | <b>Certification of Meeting’s Public Notice</b> – <i>Noticed by Graves</i>                                  |
| 4. Action Item. | <b>Approval of Agenda</b> – <i>Prepared by Graves</i>   |
| 5. Action Item. | <b>Approval of the <i>draft</i> September Minutes</b> – <i>Prepared by Graves</i>                           |
| 6. Updates.     | <b>Public Comment</b> – <i>Time for public comment may be limited by the Chair</i>                          |
| 7. Updates.     | <b>Correspondence &amp; Communications</b> – <i>Time for reports/discussion may be limited by the Chair</i> |
|                 | - Recent death of former WRRTC Commissioner Art Phillips (Rock County)                                      |

## REPORTS & COMMISSION BUSINESS

**NOTE: This is an abbreviated Agenda to accommodate the Rail Inspection Trip that follows.**

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|     | 25 minutes estimated   Update & Possible Action   |
| 8.  | <b>Wisconsin &amp; Southern Railroad’s Report on Operations</b> – <i>Ken Lucht, WSOR</i><br>- Maintenance activities<br>- Capital projects<br>- General operations<br>- Prairie du Chien article <b>Wisconsin &amp; Southern Railroad eyes Prairie du Chien as port site</b> (see attached)<br>- Q&A (topics on this Agenda / recommendation for future report topics). |
|     | 10 minutes estimated   Update & Action Items  |
| 9.  | <b>WRRTC Financial Report</b> – <i>Jim Matzinger, Dane County CPA / WRRTC Accountant</i><br>- Treasurer’s Report & Payment of Bills<br>- Q&A (topics on this Agenda / recommendation for future report topics).   |
|     | 10 minutes estimated   Update & Possible Action Items   |
| 10. | <b>WRRTC Administrator’s Report</b> – <i>Joni Graves, SWWRPC Trans. Planner / WRRTC Administrator</i><br>- <a href="http://www.wrrtc.org">www.wrrtc.org</a> usage report<br>- Q&A (topics on this Agenda / recommendation for future report topics).  |
|     | No time estimate  |
| 11. | <b>WisDOT – No Report Provided</b><br>- Q&A (topics on this Agenda / recommendation for future report topics).  |
|     | 10 minutes estimated   Update   |
| 12. | <b>Update on demolition and site clean-up on WRRTC property in the Village of Spring Grove, IL</b> – Graves   |
|     | 10 minutes estimated   Update & Possible Action   |
| 13. | <b>Update on pending vacating / demolition of structures on rail property in Arena, WI</b> – Dorscheid et al  |

## RAIL INSPECTION TRIP

14. At 11:45 or earlier, Commissioners and guests will relocate to the Janesville Roundhouse for WSOR’s scheduled rail inspection trip, which will depart at 12:15 p.m. and will return to Janesville, via motor coach, at approximately 4:15 p.m. Note: although the Commission will remain in open session until returning to Janesville, the rail inspection trip is for informational purposes and no WRRTC business will be conducted. See the attached Notes and the Itinerary, provided by WSOR, for more information on logistics.

15. Action Item. Adjournment upon return to the Janesville Roundhouse.

# **Wisconsin & Southern Railroad**

**OCTOBER 10, 2008 - RAIL INSPECTION TRIP**

**MADISON to JANESVILLE, WI**

***“MADISON SUBDIVISION”***

**Group: Wisconsin River Rail Transit Commission**

## **NOTES:**

- **Commissioners and Guests – Parking is available at the Rock County Courthouse, with additional parking at the rear of the building.**
- **At 11:45 a.m. a small Rock County bus will be available to provide transportation to the train.**
- **A box lunch will be served on the train – Cost / Person will be \$7.00 (a vegetarian sandwich will be available, if you contact Joni at 608.342.1057 to request this option before October 9th.)**

## **RAIL INSPECTION TRIP ITINERARY:**

- 12:00 p.m.** WRRTC Members and Guests meet at WSOR’s Janesville Terminal at  
**203 S. Pearl Street, Janesville, WI**
- 12:15 p.m.** WRRTC Commissioners and Guests board Rail Inspection Train and depart for Madison, WI
- 3:00 p.m.** Train arrives at WSOR’s Johnson Street Yard in Madison
- 3:15 p.m.** WRRTC Commissioners and Guests board motor coach for Janesville
- 4:15 p.m.** Motor coach arrives at Rock County Courthouse and proceeds to Pearl Street to drop off remaining passengers

**Space on the train is limited. To RSVP, contact Ken Lucht, WSOR, at 608-243-9101 ext. 207**

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## **Wisconsin & Southern Railroad eyes Prairie du Chien as port site**

By Sandy Vold

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Bill Gardner, president of Wisconsin & Southern Railroad, (WSOR) would like to increase the company's presence in Prairie du Chien by adding a second operator to the city's port in Prairie du Chien.

That way, the railroad could bring in products on barges, load the material onto railroad cars, and transport it for delivery to other parts of Wisconsin served by the railroad. The WSOR tracks and trackage rights run east from Prairie du Chien to Milwaukee and north into Winnebago and Sheboygan Counties (see map on Page 2).

The price of gasoline has made shipping by rail more economical than by truck, and having access to a port in Prairie du Chien would benefit not only the railroad, but the city as well with more jobs, tax base and revenue.

"If it's in the right location I can't see why it would be anything but a plus for Prairie du Chien," said City Administrator Jim Gitz. Arnie Mueller, chairman of the Board of Harbor Commissioners, agrees. "As a Harbor Commission," he said, "I feel we have to explore this."

There's a huge leap, however, between agreeing it would be a good idea and making it happen. In this case, there are several major obstacles in the way.

To begin with, the city technically no longer has a port. They stopped operating it in exchange for a 99 year lease (signed in 1994) with businessman Blair Dillman, who runs his own operation out of the port area as part of Prairie Sand and Gravel, Inc. The lease gives Prairie Sand and Gravel the exclusive right to operate the terminal.

Secondly, the city comprehensive plan for the island is as a recreational site. Whether barge traffic can be operated side by side with a recreational site remains a question.

In addition, Dillman is planning to relocate his operation from the island to the mainland. This new location would create an access problem for WSOR, which would need to use tracks owned by Burlington Northern Santa Fe railroad (BNSF). Since it would be a potential competitor, there's no guarantee that BNSF would grant permission.

Gardner already has a second operator in mind. Rich Hanke, who currently has a small operation in the port of La Crosse, has, said Gardner, an interest in using the Prairie du Chien Port for his operations. Gardner said Hanke has been very successful in transloading product in the State of Wisconsin. One main reason for this is that that WSOR services the areas where his potential customers have their facilities. Having a single carrier to get the raw products to the customers keeps the rates down and also keeps the service up.

Gardner envisions inbound commodities including pig iron, coal, fertilizer (dry and liquid), scrap iron, silicon carbide and salt. Outbound commodities could include ethanol, Distillers grain, grain (corn, soy beans, and wheat) aggregates.

Gardner's interests naturally lie with making a profit for the railroad, but he believes that the city would benefit as well. WSOR community development manager Ken Lucht said of the potential: "with the port being better utilized, the city will receive greater revenue than it does now."

Lucht continued: "To the greater Prairie du Chien area and adjoining counties, this port if utilized to its maximum potential can create markets for certain commodities that don't exist now. When the price is right, Wisconsin farmers can get a better price for their corn, ethanol and the by-products of ethanol by shipping by barge to the Southern U.S. or even overseas. Without this potential Wisconsin farmers are forced to sell to local or regional markets and sometimes will have to accept a lower price for their commodities."

Under terms specified in his agreement with the city, Dillman is to provide "equitable access at all times for all users of the terminal."

Dillman has refused to comment on the issue, but has told the Harbor Commission he is receptive to an arrangement with WSOR. So far, however, there is no agreement. Mueller says he hopes the Harbor Commission can help negotiate an agreement that is satisfactory to both parties.

Wisconsin has only two ports on the Mississippi River. In addition to Prairie du Chien there is one in La Crosse.

**Bill Gardner's comments: The story appeared on the front page. A map showing the counties through which the rail lines pass was used. I thought it illustrated how handy it would be to take things off the river here and distribute them around the state. The cutline below was used under the picture: "The solid lines represent tracks owned or leased by Wisconsin & Southern. Dotted lines represent trackage rights."**