

Wisconsin River Rail Transit Commission

X-Commission Mtg – Friday, 05 Mar. 2010 @ 10am • Dane Co. Hwy, 2302 Fish Hatchery Rd, Madison, WI

1. Karl Nilson, Chair, called the meeting to order at 10:00 a.m.
2. Commissioners present for all or part of the meeting:

Crawford	Tom Cornford	X- Committee	X
	Rocky Rocksvold		X
	Vacant		
Dane	Gene Gray	Treasurer	
	Jim Haefs-Fleming		X
	Forrest Van Schwartz	Advocate	X
Grant	DuWayne Carlin		X
	Margaret Ruf (<i>at 10:05</i>)		
	Robert Scallon	2nd Vice Chair	
Iowa	Charles Anderson		
	Gerald Dorscheid	Vice Treasurer	X
	Joe Thomas		

Rock	Ben Coopman	Alternate	
	Katie Kuznacic		
	Alan Sweeney	Secretary	
	Terry Thomas		
Sauk	Joel Gaalswijk		
	Rob Sinklair		
	Frederick Halfen		
	Larry Volz	Vice Chair	
Walworth	Jerry Grant		
	Richard Kuhnke	X- Committee	X
	Allan Polyock		
Waukesha	Karl Nilson	Chair	X
	Richard Manke		
	Fritz Ruf		

Others present for all or part of the meeting:

Amy Seeboth (SWWRPC / WRRTC Administrator); Frank Huntington, Ron Adams & Roger Larson (WisDOT); Ken Lucht (WSOR); Eileen Brownlee (Kramer & Brownlee / WRRTC Legal Counsel)

3. **Motion accepting Seeboth's certification of Public Notice.** *Dorscheid / Cornford - passed unanimously.*
4. **Motion accepting the Agenda, prepared by Seeboth.** *Van Schwartz / Dorscheid - passed unanimously.*
5. **Motion approving the draft Feb. Minutes.** *Van Schwartz / Rocksvold - passed unanimously.*
6. **Public Comment** – None
7. **Correspondence & Communications** – Seeboth shared two correspondences- The RTC received notice that the Village of Oregon is requesting an at-grade crossing of the former Chicago & Northwestern Railroad tracks as part of the extension of Braun Road in the Village of Oregon. WDOT staff added that there is a public hearing for this crossing planned for March 23rd. Ken Lucht said that WSOR will be at that meeting, and that the Village plans to pay for 100% of the crossing. The Commission requested that Seeboth send a copy of this letter to Eileen. Seeboth also shared a notice that WDOT has granted a permit for utility work in the City of Waukesha. Van Schwartz provided a brief overview about an article for IEEE Spectrum Magazine in which he was recently quoted, titled "Winner: IBM Helps Reinvent Russia's Railroad". Van Schwartz explained that Russia recently hired IBM to upgrade their use of technology. Each Commissioner present was provided a copy of this article.

REPORTS & COMMISSION BUSINESS

8. **Wisconsin & Southern Railroad's Report on Operations** – Ken Lucht, WSOR, reported on the following:
 - *Monthly Maintenance Activities* – Lucht reported that WSOR is conducting routine track inspections right now, including brush cutting and replacing broken rails. Lucht said that they are doing this in accordance with their maintenance contract with the RTC and WDOT.
 - *2009 & 2010 Capital Projects*– Lucht said briefly that WSOR has not yet begun implementing the WDOT capital project funds from 2009 (it is still too cold out). WSOR submitted a number of applications for 2010 WDOT grants and won't hear back on these awards until June or July of this year.
 - *Business Development* – Lucht reported that traffic had dropped off in recent years but they can see it picking up again. Transloading services have helped with this.

- *Issues / Topics:* Lucht said that WSOR received notice from the Village of Avoca asking WSOR to immediately remove the stored rail cars in their Village, or they would fine WSOR for every day that they do not remove them. Lucht said that the siding in Avoca is active and that they will continue to store cars in that area while the economy is down. WSOR stores as many cars as they are able on the Sauk Subdivision and in their yards, but their yards are active and needed for regular operations. Lucht asked that the Commissioners pass this information onto any local officials that they know, that these cars may be there until the economy picks up. As part of WSOR's response to Avoca, they will be letting the police chief know that WSOR is working to clean out the fill under the local bridges to help mitigate some flood concerns. Lucht also spoke about the State of the Railroad event that WSOR held on Feb. 24th. They had a lunch and presentation from 1-3pm, and they showed the "Cripple Effect", a documentary made by WSOR to demonstrate the history and need for freight rail in Wisconsin. A number of Commissioners attended this event and many of them complimented the event and documentary film.
9. **WRRTC Financial Report** (*moved to after Item 13*) – Jim Matzinger, Dane County CPA / WRRTC Accountant distributed copies of the Treasurer's Report and provided an overview.
- **Motion approving Treasurer's Report for Feb., as presented** – *Van Schwartz / Carlin - passed unanimously*
 - **Payment of Bills** – *Kuhnke / Cornford – passed unanimously*
10. **WRRTC Administrator's Report** – Amy Seebth, SWWRPC Transportation Planner circulated copies of the February usage report for the Commission's website www.wrrtc.org. She had no additional report.
11. **WisDOT Update** – Frank Huntington from WDOT reported that WDOT recently received applications for their grant and loan programs- they do not have a detailed list of the applications put together yet, but they do have a large range of project requests. Huntington also said that WDOT is looking into two acquisitions right now, one in Madison and one in Milwaukee. WDOT has started the budget process and a year from now that will be a big issue, it should be adopted by July 1, 2011. Ron Adams added that WDOT will be asking for the same amount of money that they have in this budget (an increase from the last budget). He said that it requires an 80/20 match and the more money that is available, the more match that is needed. He advised that the RTC discuss their own budget and budgetary needs to reflect this. Huntington re-emphasized that financial match's have proven a major issue for most counties. Lucht said that at this point, WSOR is not very concerned about that funding for a number of reasons, he pointed out that there are a number of variables that will affect the finances of the system by that time. Lucht said that WSOR fully intends to move forward on the projects and is not asking the counties for more contribution than in past years. Adams added that WSOR typically comes in under budget on projects.
12. **Approval of Village of Fox Lake Annexation – Peter Jakstas Annexation into the Village of Fox Lake, IL** (*moved to after Item 9*). The Jakstas legal counsel was not present at the meeting; Seebth provided the Commission with the background on this issue. Seebth explained that WRRTC received a request in the mail in late February, asking the WRRTC to join an annexation in the Village of Fox Lake, IL. The Jakstas want their property, west of the Village line to be annexed into the Village for zoning and code reasons. In order to be annexed, the Jakstas land must be touching Village land, but the WRRTC land lies between the Village and their land. They therefore are hoping that the Commission would be willing to do a joint annexation. Ken Lucht said that WSOR does not support this petition and WRRTC Corp. Counsel, Eileen Brownlee, also present at this meeting, said that she did not advise the Commission to join in the petition as it may invite new concerns for the Commission.
- **Motion to reject the request to join the petition for annexation to the Village of Fox Lake, IL** – *Kuhnke / Van Schwartz – passed unanimously.*

The Commission recessed for a 15 minute break at 11:04

13. **Pass resolution to reflect Feb. 2010 WRRTC decision in support of UW-Madison Power Plant use of rail Right of Way** – Huntington reminded the Commission that last month they voted to "approve the changes to tracks and use of the corridor outlined by WDOT to accommodate the UW-Madison Power Plant with the caveat that it can be returned to railroad whenever needed" and provided a brief background explanation of this motion (see Feb. minutes). He then said that he had recommended the Commission consider further adopting a resolution of their agreement with that motion to provide further verification to UW-Madison that the WRRTC is committed to the project. Lucht said that there is limited knowledge of how this project may affect the railroad as the supply of

biomass is not a sure thing and asked, "Is the Commission putting the cart before the horse?" Huntington said that if the Commission decides to not move forward with the project at this point, that is their decision, but WDOT suggests that the Commission move ahead as the railroad would have a lot to gain if this project is a success. He further added that the Commission should do what they feel comfortable with- if the UW is not satisfied they will return to the Commission for further verification. Brownlee said that she had a number of concerns in the wording of the Resolution, notably that the Resolution cannot be adopted by the Executive Commission as worded, all mention of the Commission must have "Executive" added to it. A number of other wording amendments were made, which Brownlee recorded and repeated back to the Commission.

- **Motion to approve the resolution as amended** – *Van Schwartz / Dorscheid – passed unanimously*

14. Vote Walworth County Representatives onto WRRTC Executive Committee

- **Motion appointing Richard Kuhnke on the Executive Committee** – *Van Schwartz / Cornford - passed unanimously*

15. Presentation by Commissioner Van Schwartz on Union Pacific's Kate Shelley Bridge, 1911-2009- Commissioner Van Schwartz presented on the building of the Kate Shelley bridge over the Des Moines River in Iowa. The Commissioners had requested this presentation in response to the needs of the Merrimac Bridge, they were hoping to learn from the work of others. The Kate Shelley bridge was originally built in the 1800's and when it was in need of repairs, the railroad replaced the bridge to modern standards for \$54 million. Van Schwartz shared the history and pictures of the bridge with the Commissioners.

16. Motion adjourning the meeting at 12:08 p.m. - *Rocksvold / Cornford - passed unanimously.*