

WRRTC April 2018 MEETING MINUTES – APPROVED

**Wisconsin River Rail Transit Commission
Commission Meeting - Friday, April 6, 2018 at 10:00 am
Dane County Highway Garage 2302 Fish Hatchery Rd, Madison, WI**

1. 10:00 AM **Call to Order** – *Alan Sweeney, Chair*
2. Roll Call. **Establishment of Quorum** – *Matthew Honer*

Crawford	Tom Cornford, <i>2nd Vice Chair</i>	X	Jefferson	Mary Roberts	X
	Rocky Rocksford	X		Gary Kutz	X
	Derek Flansburgh	X		Augie Tietz, <i>3rd Vice Chair</i>	X
Dane	Gene Gray, <i>Treasurer</i>	X	Rock	Terry Thomas	X
	Jim Flemming	<i>absent</i>		Wayne Gustina	X
	Chris James, <i>Vice Secretary</i>	X		Alan Sweeney, <i>Chair</i>	X
Grant	Gary Ranum	X	Sauk	Chuck Spencer	X
	Mike Lieurance	X		Dave Riek, <i>3rd Vice Treasurer</i>	X
	Robert Scallon, <i>1st Vice Chair</i>	<i>Excused</i>		Craig Braunschweig	<i>Excused</i>
Green	Harvey Kubly	<i>Excused</i>		Marty Krueger, <i>Alternate</i>	<i>Excused</i>
	Oscar Olson	<i>Excused</i>	Walworth	David Bretl	X
	Vacant			Richard Kuhnke	X
Iowa	Charles Anderson, <i>Secretary</i>	X		Allan Polyock	<i>Excused</i>
	William Ladewig	X	Waukesha	Dick Mace	X
	Jack Demby	<i>Excused</i>		Richard Morris	X
		Karl Nilson, <i>4th Vice Chair</i>		X	

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Matt Honer - <i>WRRTC Administrator</i> • Ken Lucht, Dave Bierman – <i>WSOR</i> • Jim Matzinger, <i>Dane County Highway</i> 	<ul style="list-style-type: none"> • Kim Tollers, Lisa Stern, Ed Singer – <i>WisDOT</i> • Alan Anderson – <i>Pink Lady RTC</i>
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Honer.*
 - *Motion to approve meeting’s public notice – Ladewig/Nilson. Passed Unanimously.*
4. Action Item. **Approval of Agenda as Amended** – *Prepared by Honer.*

Sweeney stated that item #12 will be moved between the bullet points on #8, and will move Item #14 to start the meeting.

- *Motion to approve the agenda with amendments – Cornford/Gustina Passed Unanimously.*
5. Action Item. **Approval of draft March 2018 Meeting Minutes** – *Prepared by Honer.*
 - *Motion to approve meeting minutes with minor changes – Mace/Ladewig. Passed Unanimously.*
 6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*

No public comment.

7. Updates. **Announcements by Commissioners**

Dave Bretl introduced himself. He will be joining as a commissioner from Walworth County. He is currently the County Administrator of Walworth County

REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report –Jim Matzinger Treasurer.

- Possible Discussion and Action on 2nd Change Order for Sauk Bridge Demolition Project

Dave Bierman discussed that the initial need for a change order regarding the east abutment failure. He stated it was a \$71,000 change order in order to remove and demolish the abutment. Bierman stated that following the approval of the change order, the DNR offered final requirements for the restoration of the area. The DNR required that the restoration area have rip rap placed up to 744' elevation. The final requirements made by the DNR will require the contractor to bring in material to cover the east abutment shore and provide erosion control, requiring another change order for material in the amount of \$18,000.

In the last day and half, the contractor rip-rapped the entire bank with concrete and was informed by the DNR this morning that they need to remove the concrete and cover the bank with natural stone rip rap. This was a clear instruction by the DNR prior to the contractor covering the bank with concrete rip-rap. Lierance asked if they used regular quarry rip rap, Bierman confirmed. Tietz asked if the \$18,000 was the total change order amount. Bierman stated it was and that the cost of removing the abutment has still come in under the cost of removing a pier and the contractor has been fair with change order amounts. Ladewig asked if the original change order time and material were met. Bierman stated that is the case. Mace asked why there are taxes involved. Riek stated that the contractor is subject to tax. Sweeney stated that a motion could reflect removing the tax from the bill. Nilson asked the DNR judgement was debatable. Bierman stated that the DNR is the enforcer for the Corps of Engineers requirements and concrete is never allowable to be on the shore line, so it is not a debatable requirement. James stated that concrete does not meet the same specifications. Riek asked what needs to be done with the concrete. Bierman stated that DNR instructions state that the concrete needs to be removed or buried.

- *Motion to approve the Change Order 2A, minus the tax amount – Mace/Tietz. Passed Unanimously*

- Discussion and approval of Sauk City Bridge Demolition Invoices to-date.

Ladewig asked if the Commission has the money to cover the current invoices. Matzinger stated the Commission is short on cash at the moment but we are expecting a check from WSOR in the coming days. Matzinger stated he will hold the approved check until the accounts reflect the WSOR deposit.

- *Motion to approve invoices – Anderson/Gray. Passed Unanimously*

- Treasurer's Report for April and Payment of Bills.

Matzinger reported on the income statement. Matzinger stated that he had received \$180K in reimbursement from WisDOT. The Commission has billed the WSOR for two months' rent, received rail salvage money from WSOR, and \$1000 for permits. Money that went out is for accounting. The final page is the cash disbursements.

- *Motion to approve the treasurer report, and authorize the accountant to hold checks until adequate funds are available, no later than April 4th. – Ladewig/Gray. Passed Unanimously*

9. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, WSOR

Lucht stated that frac sand is now moving east rather than west which is new for the WSOR. More sand is moving on the Prairie Subdivision. Lucht stated that close attention is being paid to the cars and tracks and safety inspections are increasing. Lucht stated that WSOR is starting to see grain move into Chicago again. Grain has been struggling for the first quarter and likely to increase in the second quarter.

Lucht stated that WSOR is placing a greater emphasis on trans-loading and have been successful on the Oshkosh Subdivision and on the Prairie du Chien Island. Lucht stated that WSOR is looking at Trans-loading to meet the market demand from industry not directly on the rail.

Lucht stated that he will give a presentation on positive train control at the next meeting. He stated that WSOR is required to equip engines with technology to prevent issues of rail derailment and collisions. It is a Federal requirement to be implemented by the end of this year and there is no funding to assist the operator to equip their engines with it. It is a \$10B industry-wide cost.

Lucht stated that WSOR has sent out their 2018 one page promo that highlights the successes of WSOR. Lucht stated that WSOR is working on a one page promotional document that is focused on connecting the relationship between rail and economic development within the next few months. WSOR works on this type of study every 3-4 years and wants to update the current data to reflect the

WRRTC April 2018 MEETING MINUTES – APPROVED

work being done. WSOR is working on setting up rail excursions this year. Lucht stated that WSOR is also working on a promotional video. Lucht stated that he spoke in front of the Sauk County Board recently and was able to update the board.

Tollers asked if positive train control is required of non-signalized track. Lucht stated that WSOR is required to install it on the Fox Lake Subdivision.

Nilson asked if the WSOR has trackage rights into Milwaukee and if there are any harbor Trans-load operations. Lucht stated that WSOR has haulage rights into Milwaukee. Lisa Stern stated that there is no significant intermodal happening in Milwaukee, but there is a renewed interest in bringing it back to Milwaukee Harbor. Nilson stated that there are concerns with trying to replace people operating the trains with the positive train control system. Stern stated they are looking at increasing the amount of people on the train. Mace asked how many engines WSOR is looking to outfit. Lucht stated it will be 16 engines.

Ladewig asked about the number of and location of future Trans-load facilities in SW Wisconsin being located outside of areas of concentrated population. Lucht stated the only one is in Prairie du Chien and that WSOR is looking at future locations of facilities.

Tietz asked if WSOR foresees issues in the grain market due to presidentially discussed tariffs. Lucht stated that time will tell regarding the tariffs.

Thomas stated that the GM facility in Janesville has been sold to a private developer and the developer has interest in the site due to the railroad moving through the site. Lucht stated that WSOR is at the table with the developers.

Sweeney asked if sand is moving through Janesville over troubled bridges. Bierman stated that it is and that the UP is content utilizing the bridges as they are. Stern stated that WisDOT is at the table with UP regarding the bridges.

Gray asked how long the sand trains are. Lucht stated they can be up to 110 cars long.

10. WisDOT Report – Kim Tollers, Teri Beckman, WisDOT.

Lisa Stern stated that WisDOT has sent in a draft for the upcoming budget and have remained steady in their request.

11. WRRTC Correspondence/Communications and Administrator's Report – Honer, Admin.

Honer presented the Private Crossings that he has identified on the Fox Lake Subdivision south of the state border. Honer stated that he identified 13 private crossings using aerial images. Honer stated that he has an agreement for one of those crossings and the next action item is to approve another. Honer stated that 11 crossings currently do not have agreements with the Commission and WSOR. Honer stated that he will be working with WSOR to contact landowners and work towards establishing private crossing agreements on the subdivision south of the state border.

Sweeney asked if WSOR could assist in identifying new private crossings. Lucht stated that he and Honer have already discussed sharing information regarding these crossings. Ladewig asked if these can be mapped on the GIS mapping program, Tollers stated that would be an eventual goal but that she does not believe that WisDOT could assist with funding it due to it being located in Illinois.

12. Discussion and Possible Action on Fox Lake Subdivision Private Crossing License – Honer, Admin

Lucht stated he spoke with the landowner about the private crossing. The reason he wants this is because the bank is asking for an agreement. Lucht stated that landowners often question why the landowner is responsible to pay for the cost of a crossing. Lucht explained that crossing are a private benefit and not public.

Spencer asked what would happen if someone does not want a crossing agreement with the Commission. Lucht stated it is not a legal crossing and the railroad will remove the crossing during rehab projects. Mace asked if the Commission has the right to remove the crossing. It was agreed that it would be considered trespassing if an illegal crossing were constructed on Commission property.

Ranum stated that Wisconsin state statute states it is illegal to sell a land locked property. Tollers stated that private crossings need to be allowed by the state law. Nilson stated that the Commission has been friendly to rail crossings in the past and would like to see that continue. Ladewig stated if it is a license and if they do not have a license they are a trespasser. Mace asked why the Commission cannot offer a deed for the crossing rather than a license. Tollers stated that there are ongoing interpretations of the rail law but the goal is to keep the crossing temporary and not disrupt the ROW. Stern stated that driveways are also often licensed, so it is not unusual to do this.

WRRTC April 2018 MEETING MINUTES – APPROVED

- *Motion to approve Private Crossing Permit at MP 60.08 on the Fox Lake Subdivision – Ladewig/Thomas. Passed Unanimously*

13. Discussion and Action on WisDOT sale of property in Baraboo, WI to Servo Instruments – Ed Singer, WisDOT

Singer stated that WisDOT received a request from Servo Instruments in Baraboo to purchase a piece of property. Singer presented the location. Singer stated that the business has utilized the rail prior to WisDOT ownership. They want to purchase approximately 300 ft. of property in order to legitimize the location of a permanent compressor shed that is encroaching on WisDOT property.

Ranum asked if this is in line with the City of Baraboo's zoning requirements. Nilson asked if WSOR is ok with it. Lucht stated that they are ok with it but will continue to work with WisDOT to monitor the asphalt parking lot.

Ladewig asked why WisDOT cannot just license the building similar to a crossing. Singer said that it was not an option that was explored for this particular instance.

- *Motion to approve WisDOT sale of property presented in Baraboo to Servo Instruments on the condition it meets all of the city of Baraboo ordinances – Spencer/Anderson. Ladewig Opposed. Passed.*

14. Consideration and Action on WSOR proposal to extend and improve existing siding on Prairie Subdivision near MP 145.90, Middleton - Lucht, WSOR

Lucht passed out a map of the proposed project. Lucht stated that Lycon is currently looking to bring in material to the proposed location and construct a sand transfer facility. Lucht stated that Lycon requested to utilize and make improvements to an existing side track that the commission owns.

Lucht is looking for the authorization from the Commission to build the extension outlined in green 1000' as shown on distributed maps and to relocate a turnout. Lucht explained that this agreement and Commission concurrence is required by the operating agreement. Lucht also stated that additional improvements such as a drop pit to transfer sand is proposed. Lucht stated that the business has received all of their permits and are ready to construct.

Tollers stated that WisDOT will utilize an offer to use agreement to Lycon for use of the property. Morris asked who pays for improvements on the Commission property. Lucht stated that WSOR will pay the expense. Roberts asked why the drop pit is not the business responsibility. Mace asked about other buildings on the maps if they are encroaching and with the buildings being built on the property lines. Tollers stated that WisDOT has traditionally allowed zero setbacks on industry track similar to this. Gray asked the status of Middleton's proposal to move the track. Tollers stated that she does not see this affecting the prior proposal by the city of Middleton.

- *Motion to approve WSOR proposal to extend and improve existing siding on Prairie Subdivision near MP 145.90 – Nilson/Ladewig Passed Unanimously*

15. Adjournment

Sweeney stated that an election will take place at next month's meeting.

Motion to Adjourn at 11:30am – Gustina/Thomas. Passed Unanimously.