

Wisconsin River Rail Transit Commission

X - Commission Mtg – Friday, 7 August 2009 @ 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 |
| | Kersten | Rocksvold | |
| | Vacant | | |
| Dane | Gene | Gray | X |
| | Jim | Haefs-Flemming | X |
| | Forrest | Van Schwartz | X |
| Grant | DuWayne | Carlin | X |
| | Margaret | Ruf | |
| | Robert | Scallon | X |
| Iowa | Charles | Anderson | |
| | Gerald | Dorscheid | X |
| | Joe | Thomas | |

| | | | |
|----------|-----------|----------------------|---|
| Rock | Ben | Coopman (alternate) | |
| | Katie | Kuznacic | X |
| | Alan | Sweeney | X |
| | Terry | Thomas | X |
| Sauk | Joel | Gaalswijk | X |
| | Rob | Sinklair (alternate) | |
| | Frederick | Halfen | X |
| Walworth | Larry | Volz | X |
| | Jerry | Grant | |
| | Richard | Kuhnke | X |
| Waukesha | Allan | Polyock | X |
| | Karl | Nilson | X |
| | Richard | Manke | X |
| | Fritz | Ruf | |

Others present for all or part of the meeting:

Amy Seeboth (SWWRPC / WRRTC Administrator); Frank Huntington; Dick Goddard (Pink Lady RTC), Ken Lucht (WSOR); Pat Warner and Vilo Mercer- Wisconsin River Runner ATV Club representatives

3. **Motion accepting Seeboth’s certification of Public Notice. Van Schwartz / Manke / passed unanimously.**
4. **Motion accepting the Agenda, prepared by Seeboth, adding Spring Green to Item 17. Thomas / Polyock / passed unanimously.**
5. **Motion approving the draft July Minutes with following correction, Polyock was not present- Kuhnke / Volz / passed unanimously.**
6. **Public Comment – NA**
7. **Correspondence & Communications –None at this time.**

REPORTS & COMMISSION BUSINESS

8. Monthly Maintenance Activities – Ken Lucht, WSOR, reported on the following:

On Fox Lake Sub (from Janesville to Chicago) WSOR has been tamping- along this line there is some rough rail. They had a brush cutter on Waukesha Sub the last couple of weeks. Watertown Sub is having approx. 3,000 ties installed in next few weeks. Watertown Sub may be worked on this year already preparing it for the passenger rail. *Update on 2009 Capital Projects:* In whitewater, a bridge just west of Hwy 12, has been causing some problems, currently it has a 10mph restrictive order. They need to drill more piers and put new superstructure on it so that it can handle today and tomorrow’s carloads, this will be rated E-80 after project is finished. The project is funded 80% state, 20% WSOR. *Discussion on 2010 Capital Projects:* WSOR is still pursuing a major project between Milton and Madison. This year they are doing reconstructive crossings. Possibly at end of year they will start laying continuous welded rail. Also, WSOR is aggressively pursuing reconstruction of the corridor from Plymouth to Sheboygan falls (11 miles). They hope to start work on it this year. This project is also 80% / 20% with local match being funded by local communities. This work is all going to be contracted out. *Update on legislative matters:* Two pieces of legislation: 1) Federal re-regulation. Congresswoman Tami Baldwin sponsoring this bill (HR43)- she is moving forward with the bill despite letters she has received from WSOR and WRRTC. Senators Fiengold and Kohl are working with other Senators to dramatically water down this bill and make it less detrimental to the rail industry. WSOR anticipates that the Senate will come up with a compromise bill that is dramatically different than what the House has proposed- should be a better one, hoping that it prevails.

Assembly Bill 314 (on pesticides and herbicide application on rail corridors)- this bill recently went to public hearing. Since the public hearing, this bill has been dramatically cut back. WSOR still has some concerns with this Bill- WSOR learned that some worker protection flaws in the federal law are what is somewhat driving this bill. Lucht thanked WRRTC for opposition to the Bill- Lucht believes that the opposition helped and said that WSOR will continue to work with the Committee on revising the Bill.

Dorschiede asked about the inspection on the Merrimack bridge. About a month ago Sauk County officials, the bridge engineer and Ayers Associates met with WSOR at the bridge to talk about the conditions and deliverables. The conclusion at this point is that the bridge was originally built to E-40 standards, today's locomotives are much heavier than this standard. To bring it up to today's E-80 standards, it will require a complete reconstruction of the bridge. They found that there is no significant scour happening on the bridge, there is some deterioration. On one side of the bridge there was some rusting that was causing a concern. Once the study is released, it is likely that the consultant will present to the Sauk County Economic Development Committee – Lucht thought this conversation might lead the County to look at the bridge in Sauk City next- it may raise big concerns that WSOR will have to tackle in the next few years. Dick Goddard (Pink Lady) said he was present at this meeting – said he was able to, with binoculars, see some of the concrete erosion problems. Said it was a very informative day.

Kuznacic asked whether WSOR plans on doing any rail inspection tours – Lucht said they intent to do a couple this fall, esp. for WRRTC, but do not have them planned yet.

Karl Nilson inserted an introduction here to Frederick Halfen, of Sauk County, who replaced Halsey Sprecher. Halfen said he works for Ayres Associates (but not on the Sauk Bridge), and has been a Sauk County resident for 30 years.

9. Wisconsin & Southern Railroad's 2010 Capital Projects – Ken Lucht, WSOR – Lucht reported that WSOR has not yet received any funding for 2009 capital projects, so it is difficult to talk about 2010 capital projects. WSOR encourages WRRTC Counties to appropriate what they did last year, if not an annual increase. WSOR will need to come up with a substantial portion of financial matches, but the County Appropriations help significantly.

Richard Manke asked about Jefferson County- Lucht said he spoke with them, and they said they appreciate the Rail, but do not have the funding available to join WRRTC at this time.

10. WRRTC Financial Report – Jim Matzinger, Dane County CPA / WRRTC Accountant. Matzinger was not present, but he left copies of the financial report and four checks to be paid, Seeboth provided an explanation of the checks as needed.

- **Motion postponing discussion of the Treasurer's Report to the September Meeting and payment of bills as presented at this meeting / Manke / Forrest / passed unanimously.**

11. WRRTC Administrator's Report – Amy Seeboth, SWWRPC Trans. Planner updated the Commission on a recent decision of the neighboring Pecatonica Rail Transit Commission to reinstate approximately 1.5 miles of rail, west of Monroe and along the Cheese Country Trail. She also circulated copies of the July usage report for the Commission's website www.wrrtc.org.

12. WisDOT Update – *None, no representative present at this meeting.*

13. 2008 WRRTC Audit- Seeboth reported that the 2008 Audit is complete and awaiting review from the Commissioners. Seeboth will post the audit to the web and send mail notification of the posting address. Commissioner should give the audit to County finance person and WRRTC will vote the Audit at the September meeting.

14. WisDOT Acquisition of Janesville Property – Seeboth and Lucht explained this WisDOT acquisition through Janesville and that WisDOT would like WRRTC to accept oversight of the corridor. Lucht explained that the acquisition is strategic, it links up all three other public rail lines through Janesville. This network will connect WRRTC's rails and three major Subdivisions: Fox Lake Sub, Monore Sub, and Madison Sub will all be connected. WisDOT wants this, but need a RTC to manage it and WSOR to operate it. Sweeny requested clarification on why PRTC is not involved, a nearby rail transit

commission that also has adjoining corridor. Seeboth explained that Huntington (from WisDOT) had asked among his co-workers and thought that WRRTC should take on the corridor at this time for a number of reasons, including the fact that the acquisition affects PRTC much less significantly than it does WRRTC, that the PRTC does not meet again until October and this contract is timely, and because the PRTC has a lot on its plate currently with the rail reinstatement proposal. Huntington assured Seeboth that PRTC could be added to the contracts at a later date. Seeboth conveyed this message to PRTC Chair, Harvey Kubly, who agreed with this plan.

- **Motion to approve WisDOT acquisition by signing the following amendments: Eleven to 1987 Grant Agreement 0490-40-48(b)(1), Five, to WRRTC-WSOR Operating Agreement 0490-40-48(d), and Three to the Land Use Agreement 0490-40-48(a)(1). Forrest / Gray / Passed Unanimously.**

15. WRRTC Insurance with Richgels-Shaefer Agency, Inc. Seeboth reported that Richgels-Shaefer provided an estimate for WRRTC Directors and Officers Insurance. The Commission requested that she have WRRTC Legal Counsel review the estimate and provide her interpretation of the state statute affecting the Commissions need for D&O Insurance.

16. Bob Hoesly Memorial – Seeboth provided a background on this memorial held for Rober Hoesly, a dedicated RTC Commissioner from Green County, on July 24th, 2009, after the PRTC meeting.

- **Motion to pass a resolution honoring Hoesly on behalf of the WRRTC. Sweeney / Cornford / Passed Unanimously.**

17. ATV Crossing Request in Spring Green / Cross Plains - Pat Warner from 35201 N Mill Street, Lone Rock was present on behalf of the Wisconsin River Runner ATV club. The ATV Club would like an ATV Crossing. He explained that the Club carries 2 million dollars worth of insurance and they would like to get down to Wisconsin River Resort and are having a problem getting there. Warner asked if they could use the outside corridor of the rail to get them to a street crossing. He said that they want to do everything by the law and want to be good citizens- he noted that that is why they at this meeting, making a formal request. Nilson said that the first priority of the RTC is to sustain safe freight rail –Lucht explained that the biggest concern WSOR has is liability and explained that there is a potential for legislation to increase liability. Carlin asked how many ATV crossing there are on the rail now- Lucht said there are 17 public and private crossings in the town of Spring Green.

- **Motion to respectfully deny the ATV crossing request as made. Van Schwartz / Gray / Passed Unanimously.**

18. Motion adjourning the meeting at 11:15 a.m. - Cornford / Van Schwartz / passed unanimously.