

WRRTC FEBRUARY 2021 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission
 Commission Meeting – Friday, February 5th, 2021 at 10:00 am
 Meeting via Zoom

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

Crawford	Carl Orr, <i>2nd Vice Chair</i>	<i>Absent</i>	Jefferson	Mary Roberts	X
	Derek Flansburgh	<i>Absent</i>		John Kannard	X
	Tom Cornford	X			
Dane			Rock	Russ Podzilni	X
	Jeff Huttenburg, <i>Treasurer</i>	X		Wayne Gustina	X
	Chris James, <i>1st Vice Secretary</i>	<i>Excused</i>		Alan Sweeney, <i>Chair</i>	X
Grant	Gary Ranum	X	Sauk	Brian Peper	<i>Absent</i>
	Mike Lieurance	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Marty Krueger	X
				Tim McCumber, <i>Alternate</i>	X
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	<i>Absent</i>	Walworth	Al Stanek	<i>Absent</i>
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	<i>Absent</i>
				Allan Polyock	X
Iowa	Charles Anderson, <i>Secretary</i>	<i>Excused</i>	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Susan Storti	X		Karl Nilson, <i>3rd Vice Treasurer</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, Roger Schaalma – <i>WSOR</i> 	<ul style="list-style-type: none"> • Lisa Stern, Teri Beckman - <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.*
 - o *Motion to approve meeting’s public notice – Cornford/Storti. Passed Unanimously.*
4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
 - o *Motion to approve the amended agenda. Gustina/Ranum. – Passed Unanimously.*
5. Action Item. **Approval of draft January 2021 Meeting Minutes** – *Prepared by Honer.*
 - o *Motion to approve the draft January 2021 meeting minutes with minor clarifications. Mace/Polyock. Passed Unanimously.*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*
None

7. Updates. **Announcements by Commissioners**

Polyock stated he had a chance to see the new paint job on the engines and they are very nice. Storti and Reimann stated that they are in favor of Zoom remaining an option once in person meetings return.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – *Huttenburg, Treasurer.*

- Treasurer’s Report and Payment of Bills

Huttenburg reported that there is a revision on the cash flow statement to add Check 1471 for Dane County Accounting. Honer stated he received a bill from the Insurance Company for bonding of Jeff for \$30 and asked it be approved at this meeting. Ranum asked if the Commission should be carrying over the prior years rail projects as income rather than expenses. Huttenburg believes it will be reflected in the future.

- o *Motion to approve the Treasurer’s Report and payment of two bills. Podzilni/Morris. Passed Unanimously.*

WRRTC FEBRUARY 2021 MEETING MINUTES – APPROVED

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

WSOR expects to bill the WRRTC for its 2019 and 2020 project funds this year. WSOR expects to make a proposal for 2021 and 2022 capital project funds in the coming months. February 1st, WSOR applied for two FRPP projects, another phase of CWR on the Prairie Sub. (Avoca to Spring Green) and a 2022 bridge improvement program for eight bridge repairs or replacements. Lucht will be giving 2020 operators an update to explain the decline in WSORs carloads and income.

Schaalma stated that winter weather has kept the crews busy plowing out the tracks. Slow orders have been placed on the rail as the cold weather may cause the rail to pull apart. Merrimac phase 2 is expected to be completed by the end of the month. Engineering work is ongoing for summer bridge work. Bridge 426 in Illinois has a purchase order out and Schaalma expects to start in March and end in April. Tie plate bids are out for summer installation. A lot of planning is ongoing. Sweeney asked if Bridge 426 is a maintenance project or capital project. Schaalma reported it is a maintenance project.

10. WisDOT Report – Lisa Stern - WisDOT.

Stern stated the Real Estate position has been posted with an application date of February 14th. WisDOT is working on the state action plan to address at grade crossings and will be seeking out stakeholder input. WisDOT is working to evaluate the recent freight rail preservation grant applications.

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

Honer reported that Michael Lowery of Green County and Augie Tietz of Jefferson County has resigned and he expects another Commissioner to be appointed in the coming weeks. Honer expects a new Commissioner to be appointed from Dane County also in the coming weeks.

Honer completed a letter outlining the use of the annual County Contributions as requested by Sauk County. He also spoke with Public Works in the City of Boscobel to discuss existing crossings. Honer learned that a crossing of concern was vacated by the city recently and is working with WSOR to pursue potential closure of the crossing.

Honer stated that he and Sonya Silvers attended a meeting with Huttenburg and Matzinger to transfer the bookkeeping responsibilities. SWWRPC will be completing the March financial report and sending out 2021 County Contribution Invoices in February.

Honer stated that the last private crossing applicant that sought out a private crossing agreement is not able to meet the insurance requirements for a private crossing and will not likely continue to pursue a private crossing agreement. Honer stated that Private Crossings have been a very difficult issue for the WRRTC, and for the PRTC, in recent years. Applicants are generally opposed to entering into an agreement on the basis of existing crossings and engineering and insurance requirements. Honer believes that between that recent crossings disputes have cost the Commission a significant amount of money in legal fees and administrative time. Crossing agreements are considered important because they protect the Commission from the liability of an outside party utilizing the rail corridor and confirming that crossings are completed to engineering specifics. Honer requested the Commission to comment on the issue and if they believe the policy and process should be reviewed by legal counsel.

Kannard stated he heard from the previous applicant who stated that an insurance requirement is not attainable. McCumber asked what the requirements of crossings are for all crossings or just upgraded crossings. Honer stated that is one of the items that is unclear and that the WRRTC does not go out seeking crossings and will generally undertake crossing agreements by way of a title search requiring an agreement.

Mace asked for a clarification on the existing crossings and agreements, including if an inventory exists. Honer stated that both WSOR and his office have inventories of existing crossings.

Stern stated that she understands how the issues happen and that the purpose of a crossing agreement is to not provide a landowner with a crossing easement which would confer rights to a property. Stern stated it is a matter of picking the correct opportunities to pursue an agreement. Sweeney believes that it is a responsibility of the Commission to pursue these agreements.

Mace suggested this matter be considered for a future agenda item for further discussion. Huttenburg asked if a farm crossing and private crossing are the same and if insurance requirements and application fees can be reduced. Lucht stated that farm crossings and private crossings are the same. Lucht stated that WSOR indemnifies the State and the Commission and is on the hook for liability. Lucht stated crossing agreements are standard among private railroads. Lucht stated private crossings cannot be taken lightly because they are liabilities to WSOR and rail operations. Schaalma stated WSOR does provide ballast to allow a passenger vehicle to cross and any further requested improvements are the responsibility of the private owner.

Reiman suggested that crossing users are utilizing private railroad property and if they do not enter into an agreement they should not be surprised if access is stopped. Mace believes that it would be helpful to have a few members develop a report of possible options. Nilson stated it is important for WRRTC to keep in mind what Class 1 railroads are doing also that we should maintain awareness of our rights.

12. Discussion and Action on Revised Audit Engagement Letter. – Honer, Admin.

Honer stated the audit engagement letter was revised due to the scope of the work has changed as compared to past audits. The audits will no longer be considering depreciation of WRRTC assets. The decrease in scope will represent a decrease of approximately \$500 each year.

- *Motion to approve revised Audit Engagement Letter. – Huttenburg/Mace. Passed Unanimously.*

WRRTC FEBRUARY 2021 MEETING MINUTES – APPROVED

13. Presentation of WSOR Capital & Maintenance production totals for 2020 and 2021 Plan. – Lucht, Schaalma - WSOR.

Schaalma presented a summary of 2020 work and the 2021 plan.

Sweeney asked how long it will take to bring the system into modern standards if the current state funding remains. Schaalma said the Prairie Sub will be completed in the next 5-6 years. Sweeney asked where the 1.5 miles on the Fox Lake Sub is. Schaalma said it is in Illinois and will need to be addressed with the WRRTC and WSOR.

Honer asked about the deferred maintenance that happened on the Reedsburg Sub with the prior owner of that subdivision. Schaalma said the Reedsburg Sub. has more bridges by quantity than the Prairie Sub. The predecessor railroad installed steel spans on the bridges but major rehab is needed on several of them. Grade Crossings will need to be addressed in the City of Madison. The majority of the rail is in ok/good condition.

Mace asked if all 90# and 65 – 85# rail has slow orders. Schaalma stated that all of the ends of the Subs have slow orders but the majority of the Subs. Are 25 mph and the spurs are 10 mph.

14. Adjournment.

- *Motion to Adjourn at 11:12 pm – Gustina/Scallon. Passed Unanimously.*