PECATONICA RAIL TRANSIT COMMISSION

1 University Plaza • 719 Pioneer Tower • Platteville, Wisconsin 53818
MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE• ROCK

1:00pm • Friday, October 26, 2012 • Green Co. Courthouse, Basement Conf. Rm, 1016 16th Ave • Monroe, WI

1. 1:01 PM **Call to Order** – *Harvey Kubly, Chair*
Chair Harvey Kubly called the meeting to order at 1:01 PM in the 2nd Floor County Courthouse Courtroom.

2. Roll Call. **Establishment of Quorum** – *Mary Penn, PRTC Admin.*
Administrator Mary Penn called the roll and established a quorum.

Commissioners present for all or part of the meeting:

	Commissioner	Position	Present		Commissioner	Position	Present
Green	Harvey W. Kubly	Chair	x	Iowa	Charles Anderson	Secretary	excused
	Oscar Olson		x		William G. Ladewig		x
	Ron Wolter	Treasurer	x		Philip Mrozinski		x
Lafayette	Leon Wolfe		x	Rock	Ben Coopman	Alternate	
	Patrick Shea		excused		Wayne Gustina		x
	Gerald Heimann	Alternate			Alan Sweeney	1st Vice Chair	x
	Ted Wiegel		x		Terry Thomas	2nd Vice Chair	

Other present for all or some of the meeting:

- Ken Lucht, WSOR
- Kim Johnson, K. Johnson Engineers
- David Pantzlaff, Ayres Associates
- Jeff Wentzel, Green County Highway Dept.
- Frank Huntington, Kim Tollers, Roger Larson, WDOT
- Bob Voegli, TCTC
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3. Action Item. **Certification of Meeting's Public Notice** – *Noticed by Penn*
- Motion to approve notice of public meeting – *Weigel/Mrozinksi, Passed Unanimously*

4. Action Item. **Approval of Agenda** – *Prepared by Penn*
- Motion to approve agenda - *Olson/Wolter, Passed Unanimously*

5. Action Item. **Approval of draft Minutes from October, 2012 meeting** – *Prepared by Penn*
- Motion to approve draft October 2012 minutes – *Mrozinski/Gustina, Passed Unanimously*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair* – There were no comments.

7. Updates. **Correspondence & Communications** –D*iscussion may be limited by the Chair* – There was no report.

REPORTS & COMMISSION BUSINESS

8. **PRTC Financial Report** – *Ron Wolter, SPRTC treasurer*
Ron Wolter gave the Treasurer's Report for the past quarter and listed bills received to date.
- Motion to approve the Treasurer's Report – *Olson/Sweeney, Passed Unanimously*

Leon Wolfe asked about the Butson lease and where it was located. Wolter read out the bills and their amounts to the Commission.
- Motion to pay bills – *Sweeney/Mrozinski, Passed Unanimously*

Post motion, second, and voting, Wolter reported receiving a bill from Kramer & Brownlee.
- Motion to pay the Kramer & Brownlee bill – *Mrozinksi/Gustina, Passed Unanimously*

9. WSOR Operation's Report – *Ken Lucht, WSOR*

Ken Lucht reported that a lot of machines are currently getting repaired as shipping has slowed due to the season. WSOR is also busy doing maintenance on the lines. He also noted that there is bridge work going on between Janesville and Monroe, as well as crossing work.

In Business Development, Lucht told the Commission that due to low grain shipping last year, WSOR is aggressively working to find other opportunities to make up the loss. Shipping of frac sand has picked up and is being sent and met by UP trains south. Plastics are also being moved as are military vehicle shipping. For 2013, WSOR is almost complete in finalizing their AOP (Annual Operating Plan). They believe costs will have to be controlled but with last year's down tick they are working hard to find ways to meet customer's needs. WSOR is also working on a 5 year capital plan by subdivision and by year and a lot of rail work is anticipated in Rock and Green counties. WSOR plans to apply for state grants in 2014 to help pay for this work. They also plan on applying for State funds (deadline in February 1) to pay for work. A variety of work tasks are within this grant application.

Lucht reported that Jim Fuchs has been appointed WSOR's general manager and Lucht said he would try to have Mr. Fuchs come to the next meeting so Commissioners can meet him. Fuchs main goal is improving the railroad's safety record. Safety will be a theme from this point forward.

Bill Ladewig asked if the PRTC was still self-insured and has the acquisition by WATCO led to more business. Lucht said that without WATCO's Business Development Group, the frac sand business they are now experiencing would not have come to pass. Five unit trains have moved from Prairie du Chien (they started w/2 trains) and the 1st test train took 36 hrs to reach its destination, which was not acceptable to the business. By the 5th train, delivery time had dropped to 12 hrs. A unit train is 100 or 110 cars. Kubly asked how often the unit trains would move and Lucht said it was hoped for one a week. Sweeney asked Lucht if the frac sand business might be pursued in Rock and/or Green County. Lucht said he would talk to WATCO's marketing group about the possibility of pursuing this. Olson asked if Bill Gardner was still involved in WSOR and Lucht said effective Sept. 2012, Bill had no involvement with WSOR.

10. WisDOT Report – *Staff may include Frank Huntingdon, Kim Tollers, Roger Larson*

Frank Huntington said that the DOT budget has been forwarded to the Governor's office. The current biennium grant level had been $30M and that has been increased to $60M (which is the level of 2 years ago) in this budget. The Governor will need to forward it to the Legislature and they will decide on it this summer. He said that applications for this grant cycle are due Feb. 1st (which summer budget funds would be used for). They are reviewing which projects will qualify and once the budget is known, will fund.

Huntington spoke of the proposed rail between Madison and Oregon (not in the PRTC) and that the Lycon Redi-Mix plant is planning to open a train shipping only business in Oregon; this is a pending application. At this point not all the applications are in. He said there about 20 – 30 different bridge projects ongoing throughout the system. Ted Weigel said that he'd heard that the gas tax may go up and how would that impact rail. Huntington said that that was a recommendation from a commission and those recommendations have not led to any legislation as yet. As far as he knew, legislators are not interested in a gas tax. Huntington said that transportation funding is problematic as there is more use but also more efficient cars today but therefore less money gained via the gas tax. There are a variety of recommendations but nothing has happened yet.

11. Tri-County Trail Commission Report – *Leon Wolfe*

Leon Wolfe said the TCTC met last night in Mineral Point and said that the lack of snow had given only 16 days of snowmobiling. This still led to hundreds of recreationists using and the snowmobile clubs were very busy. He said a lot of people had been riding the trail for the first time due to the high amount of snow. Wolfe said they are still trying to find a new coordinator for the Commission. He also spoke of winter regulations on the trail in regard to ATV's. When the trail is hard, ATVs can be on the trail; when trails are soft they cannot because of snowmobile use. Kubly asked when posting of trail conditions is done and Wolfe said that operators along the trail sometimes haven't been posting but Wiegel said when the trail is posted, ATVs must be off, adding that when the Badger State Trail is open, the Cheese Country Trail is open.

Sweeney asked about the progress of the trail survey. Wolfe said he had spoken to Cara Carper and said that UW Extension doesn't have it yet and everyone is aware of the delay and TCTC will continue to ask for results.

12. PRTC Administrator's Report –*Mary Penn, PRTC Admin.*

Mary Penn informed the Commission that she had received finalized hard copies of the 2011 audit and would email it to the Commissioners. She distributed the 2013 meeting schedule and a handout of her hours (as she works only 34 hours a week and is therefore not always at her desk). She updated the Commission that Oscar Olson had been reappointed to serve on the

Commission, representing Green County and said that she had sent out the letter to the State Secretary of Transportation in support of WSOR's Capital Plan for System-wide Improvements in early Dec. 2012.

13. Discussion and possible action regarding the Patterson Road bridge – *Frank Huntington - WDOT, Kim Johnson – K. Johnson Engineers*

Frank Huntington said that the Patterson Road Bridge issue has been discussed since 2008. The Commission took action to approve the concept of removing the bridge and making it a crossing in April 2009. Engineers moved ahead and Kim Johnson wanted to update the Commission. Green County had asked the bridge be removed in 2005 and now Green County is ready to move ahead with the project. Dave Pantzlaff of Ayres & Associates said the due to all the changes that had occurred over the past 4 years they felt it necessary to update the Commission on the project. He noted that agreements had been signed in 2009 (by the PRTC, Green County did not sign in 2009) and discussed the various scenarios for the crossing, noting that an at-grade crossing cost was about $575,000 (adjusting for inflation). Replacing the current bridge with a new one would cost about $950,000. Common to all the alternatives is that the new centerline will be shifted south about 15'. The at-grade crossing length is about 1000' long.

Pantzlaff said the bridge isn't ready to collapse but has such a low sufficiency rating that it qualifies for federal funding to remove it. Some ROW must be acquired and it is hoped the work can be done in off peak months to avoid major holiday travelers on the trail. Late 2014 or early 2015 would be the start. Kim Johnson said they will be asking for new approval from the PRTC as well as the County. She added that Ayres will put together a ROW plat that Eileen Brownlee had said she would review this issue (back in 2008/2009). Pantzlaff said the project should take about 2 or 3 months: the trail would be closed during the work. Wolfe asked if there were plans to reroute the trail during the closings, especially as there is a lot of ATVs and UTVs traffic. Pantzlaff asked for peak times and it was commonly agreed that early fall (Oct/Nov) is the lowest, as well as Feb/March. Wolfe said they knew from the survey that there are hundreds of users out on the trail during big holiday regions. Johnson said that the construction times actually coincide with the low traffic times.

Pantzlaff said they would be meeting with the PRTC again to talk about the design for possible future rail. Kubly asked if this project would be at-grade at the same elevation as the rail bed. Pantzlaff said it would be about 1' above to accommodate ballast, ties and rails with a 5% grade down to the trail. Sweeney asked if Ayres had looked at working the project to remove the curve and Johnson and Pantzlff both said that they had not. Jeff Wentzel said that this would result in a longer project with road reconstruction but physically it might be possible so it would take some significant "looking at" to see if it would work. Wolter asked if the waste material could be used to build up the railroad bed. Pantzlaff said probably not but there was a place up the trail where waste materials could be put. Johnson said a federal contract dictates where the contractor can put waste materials. Wentzel pointed out that if the curve were reduced, it might impact other landowners which might lead to more real estate issues. Ladewig asked if they don't get federal funding would the project die. Pantzlaff said that the county and town would probably not be able to fund it without federal funds. Pantzlaff reminded the Commission that this project was funded for design, not construction, as but the bridge program is "pretty solid", funding should be available. Johnson said the local bridge program is very popular and is well funded. Kubly was identified as the contact for future questions. Johnson reassured the Commission, saying they work with Huntington and Roger Larson on other projects and they would be working with them on this one as well. Pantzlaff said there would be agreements going out in the future and when asked when they would be meeting with the Commission in the future, Pantzlaff said in a quarter or two. Kubly added that rail is really not an issue right now but it may be in the future. Johnson reiterated this possibility as well. Pantzlaff said that if an additional spur line were ever to happen, this crossing must accommodate that potentiality even though no one knows if (or when) that will ever happen.

14. Discussion and possible action regarding the Five Corners bridge – *Frank Huntington - WDOT, Kim Johnson – K. Johnson Engineers, Jeff Wetzel*

Kim Johnson told the Commission that the Fiver Corners Bridge is on the west side of Monroe and the Town of Jefferson and Clarno share it. It is over active WSOR track. She said the contract is ready to be executed and Wentzel told the Commission that it is a structure similar to the Patterson Bridge. The bridge is in poor condition with a sufficiency number of 19.1 (the Patterson Bridge's number is in the 40s). The design contract is all but signed and is federally funded 80%, 10% County, 5% from each Town. Wentzel respectfully asked if the PRTC would consider funding half of the local share, funding of which would be used to replace the bridge. Johnson gave a brief description of how bridges like this have been replaced in the past, saying that the benefit of replacement is to rail is improved safety and the benefit to the communities is a bridge built to sustain local traffic including farm vehicles.

Huntington said that there has been work like this in Rock County. Many bridges were built by the railroads in the past but over the years, the responsibility of them has become confused. Because some were built by the railroad, some responsibility is theirs but for road benefits, it is to the benefit local governments to pay into projects like this. Huntington said the County,

the two towns and WSOR would be putting money to the match. Sweeney asked for the total of cost would be. The total project cost (design/construction) would be $897,000 of which $180,000 would be local match. Sweeney asked Lucht if a town in Rock County is paying its local match but Lucht did not know the project. Sweeney also asked if the PRTC contributes to the Five Corners project, would the Commission assume ownership. Huntington said no but there was already some implied ownership due to the bridge having been built by the railroad. Since documentation isn't clear, doing this work would transfer the responsibility of maintenance to the local road authorities which would transfer ownership away from the PRTC to the two towns. Sweeney said the Commission has an obligation but clearly half of this requested amount is not available but the PRTC does have some responsibility.

Ladewig asked if they pay some money aren't they just throwing the money away. Huntington said the RTC is a "creature of the counties" but the Commission has the ability to participate in projects and they may want to check with Eileen Brownlee to determine the situation. Ladewig also suggested that they pass the issue to Brownlee. Lucht said that although the railroad built the bridge in the past, these lines and structures went to the public (county, state). WSOR does maintain the rails and structures but the PRTC does own them; what is foggy is who is to maintain the bridge, the railroad or the towns, adding since the bridge serves the county, then it's not the financial interest to the railroad to maintain: the railroad does not maintain a bridge to a highway. Ladewig asked Kim Tollers if the highway department owns the bridges. She said often the highway authority does own bridges. Huntington said that a lot of the files they have from the railroads is incomplete and the paper trail is not always clear. There was additional discussion on how the RTCs were formed and the funding responsibilities therein. Huntington repeated that ownership is very cloudy but a handful of humpbacked bridges (such as this one) do not have good documentation of ownership. He said to check with Brownlee about the responsibility of ownership. The proposal of half of the local match would be paid by the railroad and the other half by the county and towns. Huntington said it is a contribution by everybody to benefit everybody with maintenance responsibilities to the towns. Sweeney asked the Treasurer to analyze the RTC's obligations along the PRTC line and the dollar amountts for the next meeting, saying that there are costs to consider. Huntington said he believed this was the only bridge like this along the Pecatonica Line and only about 6 or 8 of this type in the state. Johnson said that the bridge in Rock County did have good documentation but this bridge does not. Wentzel said the earliest inspection for this bridge was 1979 and at this time was listed as owned by the Town of Jefferson. Johnson said the replacement bridge might be a concrete bridge but documentation of what type of bridge needs to be put, adding that the vertical clearance might be an issue and a lot of engineering will have to take place before all the issues are known and a final cost can be assessed. She concluded by saying that every bridge in the State has to be replaced to the highest (i.e. heaviest) weight allowable regardless of use and this is an example of that.

- Motion to have legal counsel whether the PRTC can contribute funds to this project – *Ladewig/Sweeney, Passed Unanimously*

2:33 PM Kubly briefly excused himself, asking Vice-Chair Sweeney to chair.

15. Discussion and possible action on Jim Belke driveway permit – *Frank Huntington, Kim Tollers WDOT*
Huntington said this request had come in and they were seeking the PRTC's opinion on the issue. The applicant wants to put a driveway along the corridor to reach a garage. Huntington said the ROW is quite wide and the railroad is somewhat higher than the adjacent property based. Air photos of the proposal were distributed to the Commission and Huntington said there were positives and negatives, one that is a quite wide corridor and therefore less chance of things spilling over. The negative is that the owner has alternative access, it is not landlocked and once there is precedent set, it becomes difficult to say no the next time. Huntington said the DOT has some strong concerns about it but wanted to run it by the Commission. Kim Tollers said that other than the fact that the landowner can access this piece, he also wants to buy about a 50' width of property in the future: potentially so do some of the other neighbors. She reiterated that the driveway is not a necessity to access the applicant's garage. Huntington said that about a year ago there was a request to buy property in the area but the PRTC did not sell.

Harvey returned @2:39PM and relieved Vice-Chair Sweeney.

Huntington continued that while property owner would like to purchase, that is not the point of this request. Ladewig asked what the zoning classification was and it was supposed it was residential; the Belke property is residential. There was discussion about the various lots in the situation and Wolfe asked if there was any liability issue on the property. Huntington said it is WSOR's responsibility to police the property. Huntington said again that if the Commission allowed this in one place it would be pretty hard to say no the next time. Lucht asked if there had been police calls for activity in this area and Tollers said yes. Philip Mrozinski asked if the PRTC should be a good neighbor and clean up the area and post some signs. Tollers said that she thought that the owner might very well come back and ask if he could clean up the area, particularly removing some trees and some undergrowth. She said that due to the terrain and an old spur, there is a corridor that leads people to use the area

for activities. Huntington said DOT is not recommending a permit at this time. Ladewig said if there is no hardship then why should grant a permit.

- Motion to deny the Belke driveway permit – *Wolfe/Ladewig*

Before a vote was taken, Oscar Olson asked about some stored rail cars shown in the air photo. Lucht said there is a rail customer across the track. Mrozinski asked if this is not approved will the applicant come back for approval and suggested amending the previous motion to give the applicant permission to clean up the area.

- Motion to deny a driveway permit but grant approval to a permit to remove trees and clean up underbrush - *Mrozinski/Ladewig, Passed Unanimously*

Note: Huntington reminded the Commission that because the site at question is outside the 33' ROW, there is no fee involved.

16. Consideration and possible action on 2012 PRTC Audit Engagement Letter with Johnson Block –*Penn, PRTC Admin.*

Kubly received the audit engagement letter for 2012 which has an increased cost of $100 ($1100 to $1200). There was discussion about Kubly trying to see if he could work with Johnson Block to drop the cost back to the 2011 audit cost level, based on the small nature of the Commission and the lack of any face-to-face involvement with them: the audit is conducted via electronic submission of documents. the SCWRTC; see their minutes.

- Motion to approve the 2012 audit letter with the possibility of negotiating $1,100.00 price - *Olson/Gustina, Passed Unanimously*

17. Consideration and possible approval of 2013 Staff Services agreement with SWWRPC –*Mary Penn, PRTC Admin.*

Penn gave the agreement to Kubly, noting that that the agreement was the same as the 2012 one with only the dates changed.

- Motion to approve approve staff service agreement, not to exceed $6500 – *Mrozinski/Wolfe, Passed Unanimously*

18. Consideration and approval of PRTC 2013 Budget – *Mary Penn, PRTC Admin*

Penn distributed copies of the draft budget, explaining that she had used the budget from last year as a template and the only change had been the year. She did note that she had been trying to track down documentation on leases held by the PRTC and will make that a priority for the year. Wiegel said there has not been any fencing work for years but thought it should stay on as an expense. Ladewig asked about the potential costs associated with bridge work but that was not in the 2013 budget. After some clarification on the county contribution, Penn was asked to list it both as revenue and an expense since the funds are used for projects.

- Motion to accept the budget as amended ($26,520 to the Line Revenue and the Expenses) – *Sweeney/Mrozinski, Passed Unanimously*

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Before adjournment, Kubly said that he had no problem making the Court Room the regular meeting space and Penn said she would make sure to note the change on future notices and agendas.

19. *Action Item* **- Adjournment**

- Motion to adjourn at 3:09 , *Weigel/Gustina, Passed Unanimously*