

# Pecatonica Rail Transit Commission

Friday, 23 Jan. 2009 at 1:30pm • Green Co. Courthouse, Basement Conf Rm, 1016 16th Ave, Monroe, WI

1) Harvey Kubly, Chair, called the meeting to order at 1:30 pm.

2) Roll Call / Establishment of Quorum:

PRTC - Green County	Harvey Kubly	X	PRTC - Iowa County	Philip Mrozinski	
	Oscar Olson	X		Charles Anderson	
	Ron Wolter			Jerry Dorscheid	X
PRTC - Lafayette County	Jed Gant	X	PRTC - Rock County	Katie Kuznacic	X
	John Bartels	X		Alan Sweeney	X
	Ted Wiegel	X		Terry Thomas	X
	Gerald Heimann (alt)			Ben Coopman (alt)	

**Others present for all or part of the meeting:** Joni Graves (SWWRPC); Eileen Brownlee (Kramer & Brownlee); Huntington, Schaefer, Roger Larson, and Tracey (WisDOT); Dallas Cecil (Green County); Kim Johnson (KJohnson Engineers); and Chris McMahon (Ayres Associates).

3) Acceptance of Grave's certification of public notice was by consensus.

4) Motion approving the Agenda, prepared by Graves / Gant / Wiegel / in discussion, Gant said he would give the Trail update and that he had an issue where he would ask for permission of the Commission / **passed unanimously.**

5) Motion approving the draft Minutes from July 2008, prepared by Graves / Wiegel / Olson / **passed unanimously.**

6) Motion approving the draft Minutes from October 2008, prepared by Graves, with the request to include the names of the parties presenting under #15; Commissioner Dorscheid later verified his attendance and requested that the record show that he had been present / Gant / Bartels / **passed unanimously.**

*Graves noted that she had not done the notes for the fall rail trip yet, but said she would be providing a summary.*

## Reports & Commission Business

7) Treasurer's Report – Oscar Olson distributed the report and provided an overview.

- Motion approving the Treasurer's Report, as presented / Sweeney / Dorscheid / **passed unanimously.**
- Motion approving the Audit of the PRTC's 2007 Financials / Oscar / Wiegel / **passed unanimously.**
- Motion authorizing payment of the Commission's bills for 3<sup>rd</sup> & 4<sup>th</sup> quarter staff services from SWWRPC, legal services from Kraemer Brownlee, and miscellaneous expenses from former Treasurer Kubly from 2005-2008 / Gant / Sweeney / Sweeney suggested expense claims should be more current / **passed unanimously.**
- Motion authorizing Johnson Block to proceed with the 2008 Auditing for the same cost of \$1,000 and if they will accept hardcopies, which Kubly will verify / Olson / Bartels / **passed unanimously.**

**Draft PRTC 2009 Budget** – Graves summarized the draft budget, based on the prior year's adopted budget.

Projected Expenses for 2009	
SWWRPC - Staff Services / Expenses	\$6,500.00
Kraemer & Brownlee - Legal Services	\$1,500.00
Johnson Block - 2008 Audit	\$1,000.00
Miscellaneous	\$200.00
Projected Contribution for TCTC Fencing	\$5,000.00
<b>Total Projected Expenses:</b>	<b>\$14,200.00</b>

Projected Revenue for 2009	
Operating Agreement WSOR Lease	\$12,000.00
Darlington - Butson Lease (Lane Lumber)	\$250.00
Darlington - Republican Journal	\$50.00
Brewery Creek, Mineral Point	NA paid in advance
Wuttke Lease (formerly Super Soy)	NA paid in advance
<b>Total Projected Revenue:</b>	<b>\$12,300.00</b>

**FOLLOW-UP:** Have formal action on the 2009 Budget on the Agenda for the April quarterly meeting.

- 8) **Wisconsin & Southern Railroad Report** – Ken Lucht said there had been big issues with snow maintenance and crossings. WSOR has been doing bridge work, including work west of Brodhead on the Sugar River. They have purchased a “sky trimmer” that runs along the rails and can reach 75’ for brush cutting, which means they don’t have to go on private property and get permission to cut long limbs overhanging the corridor. With the completion of the most recent continuous-welded-rail project, he said there is about 40 miles of CWR on the Northern Division. They have installed about 32,000 ties in southern division and plan to install CWR in southern division. A tie project is planned for 2009 on the Monroe Sub, following on work done earlier to address immediate deficiencies, which will install some 40,000 ties, switches, ballast etc. with a projected total cost of \$4.7M. He said trackage from Madison-to-Milton remains a problem and, although the 2008 tie project was good, they will need to replace the rail and have submitted an application for funding for the \$19M project. WisDOT Secretary Busalacchi has recommended \$60M for rail infrastructure on the publicly-owned system for the state’s biennial budget and he said the Secretary has expressed support for funding the RR15 initiative.
- 9) **WSOR’s long term capital improvement plan** – in an earlier email, Lucht had suggested possible creation of a stakeholder group, given that the Secretary Busalacchi has put \$30 Million in his budget for RR15. As he had noted, “...Coming up with a game plan for supporting this through the legislature is now very important, but subsequently having a stakeholder group to begin talking about engineering and design of the corridor is of equal importance at this time.” He suggested perhaps it was time to start thinking ahead to plans for possible funding for the initiative after July 2010. Huntington agreed it was time to start moving ahead with some of the planning and said is important to ensure that there is local support. Lucht suggested that a stakeholder group include private businesses, government representation, members of the Commission, WSOR, etc.

As an aside, Lucht said that WisDOT has an option to purchase the line in Janesville that WSOR acquired when it came available and they are working with WisDOT to bring it into Commission / WisDOT holdings. Huntington summarized related issues and said he wasn’t sure what the local match requirement would be. He noted that this was not on the Agenda for action, but said he wanted to get it out there for discussion. The Janesville segment would likely fall under the WRRTC, but could be under the PRTC. Kubly spoke to the benefit of PRTC having a role and said he thought the PRTC would want the segment to the junction with the mainline, but that the other portion would logically be under the WRRTC. Huntington said having agreements with both RTCs would not be a problem.

**FOLLOW-UP:** Have the pending Janesville transfer on the April Agenda as an action item.

Graves referred back to stakeholder proposal and Lucht said WSOR wants the process to be as open possible. Graves asked about the status of the cost / benefit analysis study, which WisDOT was going to undertake. Huntington said he had spoken with Dennis Leong and they have started some of the work. They will need to get some more info from WSOR, but thought they could be done in 3-4 months. Huntington said the proposed stakeholder group could fit right into that. He said WisDOT has looked at current businesses in proximity and identified about 150 potential customers. Questions were raised about the local match and Graves asked whether some funding may come from the federal level. Gant said the creation of a formal sub-committee or stakeholder group would be very appropriate once a little more work is done. He recommended Lafayette County’s new extension person; other suggestions included Jerry Dorscheid (Iowa) with his environmental background, alternate Ben Coopman (Rock) as an engineer, and Gant (Lafayette) as a long-time supporter in the most affected county. Kubly asked for recommendations of engineering firms working specifically with rail projects and Lucht said would provide a list.

**FOLLOW-UP:** 1) Contact the new Lafayette Co. Ext. Agent re RR15; 2) Lucht will provide info on engineering firms.

Lucht distributed a backgrounder on the projects in WSOR’s Capital Plan that are shovel-ready, spoke to the possibility of federal stimulus funds being used for these projects, and asked the PRTC to convey its support.

- **Motion authorizing a letter to the Governor, copying Legislators, supporting use of stimulus funding to accelerate infrastructure improvements in WSOR’s Capital Plan / Sweeney / Olson / passed unanimously.**

**FOLLOW-UP:** Staff will work with Lucht on a letter to the Governor, copying Legislators, conveying PRTC’s support for WSOR’s long term capital improvement plan and use of stimulus funding for infrastructure improvements.

- 10) **WisDOT Update** – Frank Huntington provided a brief update on the status of the biennial budget process. Regarding the RR15 feasibility study, he said it would not make any comparisons with trail use and recommended that the Commission work with an independent group with more expertise in that area if they wanted that type of analysis. Regarding recent mailing on storm water drainage issues, he said WisDOT has not paid these in the past and their

legal department is looking at it. Given the Commission's ownership of the underlying fee, Brownlee noted that the implications would be different for the PRTC vs. state government.

- 11) Tri-County Trail Commission Update** – Deb Krahenbuhl was not present and Gant gave the update. He said he had never seen the letter from the Corps. of Engineers to the ATV Club re possible violations (18 Nov. 2008), but it was his understanding that a couple years earlier the DNR had approved a grant for improvements on the rail corridor and Lafayette County had done some or all of the work on a reimbursement basis. They had found several dilapidated culverts and, as part of the work, McCarville had dumped dirt in a wetland and Gant said “McCarville may have to eat the cost of work to improve drainage.” Asked what would be required for mitigation, he said all of the dirt would have to be removed.

On a new matter, Gant raised an issue with the blacktopped portion of the trail through Darlington and asked for a letter, to be written by Brownlee, to the Fire Dept. and Backyard, LTD (a local snow removal business) reiterating the need to retain the snowpack and not damage the blacktop. After discussion, Huntington said the TCTC has authority to manage the corridor and wouldn't necessarily need the PRTC's concurrence, as long as the issue doesn't impact future rail use. Gant asked if Brownlee would write such a letter and she asked whether it could be billed to the TCTC, which he authorized.

- 12) Memorial for Bob Hoesly** – Kubly said Graves had followed up with Lucht and WSOR would provide pictures of the Hoesly locomotive and proposed that one or more pictures framed and presented to the family. WSOR has offered to have the locomotive present for an event this summer, in conjunction with the South Central Wisconsin RTC. Each Commission had committed \$100 towards expenses and there was consensus to proceed with this plan.

**FOLLOW-UP:** Coordinate picture(s) / memorial text / framing / event with SCWRTC, WSOR, and Hoesly family.

- 13) Orchid Rail Spur** – Anna Schramke, Green Co. EDC, had asked Graves to report that “the City is working on securing support for the project, but with the downturn in the economy, the project is likely to be on hold for a while.”

- 14) Commission / Village of Browntown property line and barrier blocks** – packets were distributed from recent research by Vicki Schaefer (WisDOT). Huntington summarized the new findings and said the maps show what the PRTC and Village acquired, according to WisDOT's records. He said this conclusion is different from what was said at the last meeting and recommended a survey if there are further questions. Gant said if a survey is done, the Village should pay for it. Brownlee said she had reviewed the materials and thinks they make sense. Huntington said WisDOT would send this packet to the Village. Gant asked whether the barrier blocks were in the right location. Dallas Cecil, Green Co. Hwy. Commissioner, said he didn't know – they had been directed by the County Clerk, who had told them where to put the blocks. Kubly said, for the record, there had been a lease for use of the property for parking, which had been voided after failure to get the rent. He thanked WisDOT for all the work on this. Graves said it was her recollection that the blocks had been relocated. Gant agreed and Cecil confirmed that, given the current placement of the blocks, cars could parallel park. Lucht expressed concern about the PRTC's liability and provided trespassing examples where the railroad was sued for injuries. Gant said the blocks should remain until the issue is resolved.

**FOLLOW-UP:** Are the barrier blocks in Browntown in the best location on PRTC property to prevent use for parking?

- 15) Darlington Comfort Station Lease** – Brownlee said the structure's being built before there was a lease had been a surprise, and she been working with the City on the lease when the local Historical Society said, “Wait, we own it!” The City says that deed was voided, although there are other issues with that. Gant said the City knew that it may have to be removed if rail use returned. She said the City Attorney had drafted the first version of the lease and she had made revisions, but further review stalled when the Historical Society issue emerged. Kubly expressed concern that the PRTC has exposure and asked how to resolve the matter (see below for follow-up).

**FOLLOW-UP:** Brownlee will send a letter, with the most recent lease draft, to both attorneys requesting a status update on the Darlington Comfort Station impasse prior to the next Commission meeting.

- 16) 2009 PRTC Staff Services Agreement with SWWRPC** – Joni Graves, PRTC Staff

- **Motion approving the 2009 contract for continued staff services from SWWRPC for the same terms - \$6,000 plus expenses / Gant / Bartels / passed unanimously.**

- 17) Revised Plan for Patterson Rd. Bridge Replacement** – Dallas Cecil, Green Co. Hwy. Commissioner, introduced Kim Johnson (WisDOT's Mgt. Consultant for Local Projects), and Chris McMahon (Ayres Associates). McMahon summarized the earlier plan and this alternative, which would shift the roadway south to improve roadway alignment.

The existing bridge crossing over the Cheese Country Shared Use Recreational Trail would be removed in its entirety and a new at-grade crossing with Patterson Rd. would be constructed. The estimated overall construction cost of this alternative would be \$510,000, including removal of the existing structure, approach roadway work, construction engineering, and other contingency items (not including the cost of right-of-way), vs. \$870,000 for raising Patterson Rd. and constructing a three-span structure. The handout provided outlined advantages and disadvantages of the new proposal, including: 1) fewer impacts to the homes located at the ends of the project but greater impact to the fields near the proposed crossing; 2) being the most economical alternative, with cost savings of \$360,000 or more; 3) improving safety and drivability concerns along Patterson Road, while minimizing impacts to Cheese Country Shared-Use Recreational Trail; 4) and eliminating construction and long-term maintenance cost associated with a grade-separated structure. His assessment noted that this alternative would not minimize impacts along Patterson Rd., would require more right-of-way than the other alternative, would have greater impacts to the trail at the crossing, would not separate pedestrian and vehicular traffic from railroad traffic, and would have greater negative impacts to the future intersection west of the bridge.

After some discussion about specifics, Brownlee clarified that the Commission grants permits – not easements. Huntington was asked about the approval process given the possible reinstatement of rail and creation of an at-grade public crossing. Huntington said that the Office of the Commissioner of Railroads (OCR) has said that it would not be involved at this point, but would review it if rail service were resumed and that the crossing may need to be modified. Questions were raised about who would bear that cost, with some suggesting that such costs would be borne by the railroad. After further discussion, Gant recommended approval of the proposal presented.

- **Motion giving preliminary concept approval to the new proposal, presented by Ayres Associates, for a relocated at-grade crossing replacing the existing structure at Patterson Rd. (Town of Clarno, Green County) / Gant / Sweeney / ...**

In discussion, Lucht said replacement of the bridge has been an issue going back to when he was at the SWWRPC, but expressed concern that the design-speed for rail would be 40 mph and that although there may be public benefit and cost savings up front, there would be safety issues and additional costs to reinstall rail service; he said the OCR has required that with every new crossing, two crossings should be closed and that if this proposal went to the OCR, WSOR would have to oppose it because of costs to WSOR, maintenance, and liability; if signals were ordered, WSOR would want the Township and County to be party to the costs. After further discussion, Graves read the action taken by the PRTC in October 2006: Motion approving the request of the Town of Clarno (Green County) for a permit granting access to PRTC property for replacement of the Patterson Bridge with an at-grade crossing; it is understood that, subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendments of 1983, Pub. L. No. 98-11(16 U.S.C. 1247(d)), and that at such time as rail service is restored on the corridor, it may be necessary for the at-grade crossing to be modified at the sole expense of the Town of Clarno to meet railroad standards / Olson / Eager / it was agreed by consensus that the Motion's support authorized further review and that the final letter of agreement and documentation would incorporate corrections, appropriate clarification, and add the Town of Clarno as a signatory / Motion passed unanimously. Brownlee said the action before the Commission is starting over and that the Commission could say that both parties reserve the right to address costs in the future. She concluded that the Commission is closer to rail reinstatement than ever and said it is not uncommon for each party to reserve the right to hold its rights in the future. Before action was taken, the Motion was restated.

- **Motion approving the concept for a relocated at-grade crossing at Patterson Rd. (Town of Clarno, Green County) as presented, pending review of more developed plans / Gant / Sweeney / in discussion Lucht said that since the matter can't go before the OCR at this point, this meeting serves as a public hearing and, for the record, WSOR is opposed to an at-grade crossing at this location and would seek financial protection and liability protection / Gant said if rail reinstatement were certain, the PRTC may reconsider, but that it is a good plan at this time / the restated Motion passed unanimously.**

Addition to minutes from April, 2009 Meeting: WSOR has worked aggressively with the OCR to close two crossings with every new crossing opened, but this is not a *policy* of the OCR.

**FOLLOW-UP:** Brownlee will draft a letter to Ayres Associates re PRTC's action on Patterson Rd. Bridge replacement.

18) The meeting adjourned by consensus at 3:59 p.m.

**Next Scheduled Quarterly Meeting: Friday, 24 April 2009**