

# Pecatonica Rail Transit Commission

Friday, 24 April 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:

Green County	Harvey Kubly	X
	Oscar Olson	X
	Ron Wolter	X
Lafayette County	Jed Gant	X
	John Bartels	X
	Ted Wiegel	X
	Gerald Heimann (alt)	

Iowa County	Philip Mrozinski	X
	Charles Anderson	X
	Jerry Dorscheid	X
Rock County	Katie Kuznacic	X
	Alan Sweeney	
	Terry Thomas	X
	Ben Coopman (alt)	

**Others present for all or part of the meeting:** Amy Seeboth (SWWRPC, PRTC Administrator); Frank Huntington and Roger Larson (WisDOT); Ken Lucht (WSOR)

- 3) **Motion accepting Seeboth's certification of Public Notice :** *Mrozinski/ Bartels/ Passed unanimously*
- 4) **Motion approving the Agenda, prepared by Seeboth:** *Wiegel /Olson / Passed Unanimously*
- 5) **Motion approving the draft Minutes from January 2009, prepared by Joni Graves (outgoing PRTC Administrator):** Ken Lucht (WSOR) noted a correction to Item 17: 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. **Motion to approve with the noted correction:** *Gant / Bartels / Passed Unanimously*
- 6) **Public Comment – None**
- 7) **Correspondence & Communications - None**

## Reports & Commission Business

- 8) **Wisconsin & Southern Railroad's Report on Operations** – Ken Lucht, WSOR, reported that maintenance underway includes normal brush cutting and weed control, employee safety training, as well as rail quality detection with a rail detector test car testing the Waukesha Sub., and parts of the Prairie du Chien and Madison Subs. Many defects were found along the Waukesha rail and repairs are being planned. Current Capital Improvement Projects include changing 90 to 115 lb continuous welded rail along the Madison Sub., and plans to install 40,000 ties between Janesville and Monroe, but WSOR will not know if they can move forward with this project until the State budget is passed. WSOR hopes to increase the number of Capital Improvements into 2010, but much of this is greatly dependent on the upcoming budget. Lucht also updated the Commission on H.R. 233 & S. 146 – proposed regulations that would impose a greater liability on the RR and would remove the Staggers Act. The removal of the Staggers Act would result in a loss of anti-trust exemptions for the RR. Lucht reported that, "A balanced regulatory environment providing freight railroads with the incentive to invest in their physical plant, is key to keeping commerce moving and our citizens working... overlapping regulatory policies will provide burdensome regulations upon the freight railroads such as WSOR and will adversely impact the flow of commerce in Wisconsin and employment levels [in the area]. H.R. 233/ S. 146 will threaten the long-term viability of our public rail system in Wisconsin and could derail our absolute need for economical and environmentally sound freight transportation into the future." Lucht provided Commissioners with two handouts detailing this Bill and its potential effects on local rail. Mrozinski asked whether time could be taken to further research this issue before sending a letter. Lucht noted that time is of the essence and encouraged the RTC to act quickly on this. Kubly agreed that responding now was important. **A motion was made that PRTC write the letters to their representatives (Baldwin, Ryan, Feingold, and Sensenbrenner) detailing their opposition to H.R. 233/ S. 146:** *Dorscheide / Bartels / Passed Unanimously*

**FOLLOW-UP:** Lucht plans to report on all 2010 planned Capital Improvement Projects at the July meeting. Lucht will also send Amy an opposition letter to H.R. 233/S.146 to send on behalf of PRTC.

**9) Treasurer's Report** – Oscar Olson distributed the report and provided an overview. Reported on bills (one bill: for Q1 SWWRPC Administrator services and expenses (\$1733.39)).

- **Motion approving the Treasurer’s Report, as presented, and payment of bills:** *Bartels / Wolter / Passed Unanimously.*
- **Motion approving 2009 PRTC Budget** , Wiegle noted that budget does not include interest accrued, Kubly responded that this is okay as interest may not be great: *Dorscheide / Kuznacic / Passed Unanimously.*

**PRTC 2009 Budget** – Below budget is 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>

**10) PRTC Administrator’s Report**– Amy Seeboth, SWWRPC Trans. Planner was introduced as the new PRTC Administrator, and noted that Joni Graves will miss the Commission as she took on a new position Feb. 2<sup>nd</sup> to work at the UW-Madison Transportation Information Center, which is part of the Department of Engineering Professional Development. Graves has said that she deeply enjoyed working with the Commission, Commissioners, and WisDOT and WSOR staff and hopes that she will have opportunities to continue to do so through her new role at UW-Madison. Seeboth said that she appreciates the Commission and Staff’s patience and help as she learns the ropes, and is excited to work with PRTC.

**11) WisDOT Update**– Frank Huntington provided a brief update on the status of the biennial budget process, on two land acquisitions that are in the works (both north of Eau Claire), and on the RR15 feasibility study being conducted on the DOT. Huntington asked whether any Commissioners had heard about local support for this project- Gant said Lafayette County has been waiting to really respond to RR15 until the budget is passed, noting that if funding is not secured, the project is in jeopardy. He also noted the concern that part of the corridor in Darlington goes through a floodplain. Huntington responded that we will not know the budget for a while yet, and if the County wishes to respond to the proposed budget, they should do so before any final decisions. The budget will likely be finalized before the next PRTC Quarterly Meeting (July). Lucht made the recommendation that the Counties and Commission act on RR15 sooner than later and that this is as close as the corridor has ever been to being put back into working rail, Huntington added that if the project is not done now, it does not mean it will never be done.

**12) Update on the Janesville Property Transfer**- Lucht reported that WSOR is still working with WisDOT on their interest in purchasing this property. The property in questions is about 7-8 miles of the former Iowa and Chicago Eastern (ICE) Rail Corridor that WSOR purchased with the vision that it would eventually be purchased by the State. Once the acquisition is complete, the RTC’s will need to help decide whether the WRRTC or PRTC will assume management authority of this track- Huntington said it would likely be a combination of the two based upon past RTC conversations. Operations along this track will not change, it is currently being operated by WSOR.

**13) RR15 Update-** Lucht reported that engineering, environmental and financial issues still need to be discussed in regard to RR15. Sheboygan County has started a Stakeholder group to respond to their portion of RR25, and is meeting on May 2<sup>nd</sup>. Lucht suggested that we start a similar stakeholder group, advising that PRTC work on this before it goes to the Joint Finance Committee. Right now, he suggested, the best thing that can be done is to direct the PRTC's interest in the form of an email or resolution to our local representatives.

- **Kuznacic motioned that we send a letter of support for RR15 to our local representatives:** *Kuznacic / Bartels / Passed Unanimously.*
- **Resolution that Seeboth work on creating a stakeholder group** – *Gant / Bartels / Passed Unanimously*  
Gant noted that there may be a lot of opposition to RR15 in Green County because part of the corridor in question is currently in Rails-to-Trails. Olson suggested that Seeboth contact Green County Economic Development Corporation Executive Director, Anna Shramke, to move ahead with a stakeholder group. Gant suggested that she contact the Lafayette County CNRED educator, Ela Kakde, and said that the Lafayette Commissioners need to know more what is going on – they looking forward to Lucht presenting to them on RR15.

**FOLLOW-UP:** Seeboth will coordinate with Lucht and Kuznacic to sent letter of support to representatives, Seeboth with contact Kakde and Shramke to gauge interest in developing a Stakeholder Group.

**14) Memorial for Bob Hoesly** – Seeboth passed around several photographs of the WSOR Hoesly memorial provided by Lucht. Kubly gave an update on the memorial decision made by SCWRTC to present a signed photograph to the Hoesly family before the July PRTC meeting in Monroe, and suggested that the full locomotive photograph is the one the RTC's should go with, perhaps cropping it. The framed photograph will be signed by WSOR and RTC Commissioners. Gant suggested that a resolution be done and signed by everyone in addition to the photograph (within the frame). Press should be invited to come and take a picture at the event. Any costs will be shared with the Commission and WSOR.

- **Motion approving this course of action** – *Gant / Olson / Passed Unanimously.*

**FOLLOW-UP:** Seeboth will coordinate with Lucht to print and frame picture and arrange event.

**15) Commission / Village of Browntown property line and barrier blocks update** – Huntington (WisDOT), reported that the Commission does own the triangle of land that has been in dispute- he visited the property today to look at the location of the barriers- it looks like the Commissions property goes up to the edge of the road, but will need a survey to certify this. It looks like the barriers could then be put right on the edge of the road. From the DOT's perspective, whatever happens to this property will not have much of an impact on any future use of the Corridor. If the Commission wants to keep or sell it, either is fine. He said it wouldn't hurt to wait until July to find out if RR15 is included in the budget to decide what to do with this land. Gant mentioned that we may be able to use this land as a bartering item. Olson added that this morning he got a phone call from Carole Davis, Browntown clerk, saying in feb. she wrote a letter to the Commission asking to buy the land and she received no response (Huntington believes this letter was actually sent to the DOT). If necessary, Huntington said that they could have a meeting with the community to figure out who owns the land- the Commission needs to make a decision on this if they want to do it. DOT records show that the Commission owns the land. The Village has the DoT records indicating that we own the land, the Village will not give us proof that they own the land. Gant points out that if we sell the land, then that they can buy the blocks too for \$2400. Kubly suggested we lease them the land. The Commission will leave the block issue unaddressed that this point – address it later.

- **Motion that the PRTC write a formal letter offering to lease the land to the Village for \$100/year. Word the lease that if RR15 comes back, we reserve the right to break the lease:** *Wiegel / Bartels / Passed Unanimously*

Olson said he would call Davis back today suggesting this course of action, Seeboth will follow up with him. If Browntown responds favorably, PRTC will have Eileen Brownlee (PRTC Legal Council) draft and send Browntown the lease.

**FOLLOW-UP:** Olson will call Davis to suggest Lease option. Seeboth with check with Olson and, if appropriate, contact Brownlee to write lease.

**16) Darlington Comfort Station Lease update**– Seeboth reported that Brownlee (PRTC Legal Council) wasn't able to attend today, but sent an update saying that she sent a letter to the Attorneys and hasn't heard anything back. Gant suggested that Brownlee contact Attorneys again to receive follow-up. He spoke recently with Darlington and thought the community is becoming agitated about waiting.

**FOLLOW-UP:** Seeboth will contact Brownlee to check-in with Attorneys.

**17) Revised Plan for Patterson Rd. Bridge Replacement FOLLOW-UP** – Seeboth provided an update from Brownlee (PRTC Legal Council), that a letter was sent to Ayres Associates approximately three weeks ago, after being reviewed by the DOT, and hasn't heard back yet. Lucht commented on behalf of WSOR on this item- since the PRTC last met, WSOR initiated a project in this area that will impact the at grade crossing in Patterson. Siding is mentioned in the letter to Ayres. There potentially will be some disruption to the crossing because of this siding. Lucht wanted the Commission to know there will be some disruption, possibly minimal, possibly not because of this siding. Suggested that PRTC contact Ayres to inform them of this new information. Gant additionally recommended that PRTC contact Dallas Cecil (Green County Highway Commissioner) and Clarno Town Board to update them on these issues.

**FOLLOW-UP:** Seeboth will contact Ayres, Cecil and Clarno Town Board with this information.

**Motion adjourning the meeting, approximately 3:30pm: Wiegel / Bartels/ Passed Unanimously.**

**Next Scheduled Quarterly Meeting: Friday, July 24<sup>th</sup>, 1pm**