

# PECATONICA RAIL TRANSIT COMMISSION

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

APPROVED MINUTES

## Pecatonica Rail Transit Commission

1:00pm • Friday, 23 October 2009 • Green Co. Courthouse, Cnty Board Mtg Rm, 1016 16<sup>th</sup> Ave • Monroe, WI

1. Harvey Kubly, Chair, called the meeting to order at 1:00pm.
2. Commissioners present for all or part of the meeting:

Commissioner		Position	Present	Commissioner		Position	Present
Green	Harvey Kubly	Chair	X	Iowa	Charles Anderson	Secretary	X
	Oscar Olson	Treasurer	X		Jerry Dorscheid		X
	Ron Wolter		X		Philip Mrozinski		X
Lafayette	John Bartles		X	Rock	Ben Coopman	Alternate	
	Jed Gant	1 <sup>st</sup> Vice Chair	X		Katie Kuznacic		X
	Gerald Heimann	Alternate	X		Alan Sweeney	2 <sup>nd</sup> Vice Chair	X
	Ted Wiegel		X		Terry Thomas		X

**Others present for all or part of the meeting:** Elieen Brownlee (PRTC Legal Council), Frank Huntington & Roger Larson (WisDOT), Ken Lucht (WSOR), Bill Gardner & Ben Meighan (WSOR – arrived at 2:00pm), Brian Gray (Monroe Times), Amy Seeboth (PRTC Administrator), additional public was present (over 70 individuals).

3. **Certification of Public Notice** – Seeboth, PRTC Administrator
4. **Motion accepting the Agenda, prepared by Seeboth - Sweeney / Mrozinski / passed unanimously.**
5. **Motion approving the draft July Minutes** - Change Item 17 to read "Roll Call Vote" - Wolter / Anderson / passed unanimously.
6. **Public Comment** - Public Comment was limited by the Chair to approximately five minutes.
  - **Ron Marsh, Mayor, City of Monroe:** Marsh reported that he has received a lot of calls about the loss of trail. Asks what is really needed, what affect will this change have on all of these parties, what affect will it have on the local economy? He walked the trail- saw the railroad beds and saw where there might be alternatives. He contacted WSOR by letter- asking if they could meet to talk about potential alternatives. WSOR did meet with City & showed them what they had in mind. He said that WSOR was not interested in talking about alternatives & believes that WSOR wants to go west. Marsh says that current railroad users say they do not need additional cars or room for parked cars. Marsh stated "if the state wants to put money into our area, why don't they build a 4-lane highway - that's a much better investment than this rail project".
  - **Jerry Guth, Tri-County Trail Commission:** Guth said that he was encouraged that WSOR said they would like to work with trail group to encourage existence of the trail. Said he met with Ken Lucht many times and he likes the idea of Rails with Trails. Guth pointed out all of the challenging topography, but added that it is good to have the trail and railroad at different elevations as that could cause separation in a good way, but said that all of this is incredibly expensive & difficult to achieve.
  - **Donald Timm, Clarno Town Chair:** Timm reported that he is concerned about this- that the trail brings a lot into the communities and cutting off this main artery will affect communities along it from Monroe to Mineral Point.
  - **Erik Huschitt, Badger State Ethanol:** Huschitt said that he was here to speak on behalf of Badger Ethanol. He said that BSE has been grateful to be a part of the community and that if any party has any question regarding BSE, they should contact BSE direct. Since 2000 they have had a 100 car siding and this is adequate for now and future, they believe.

- **Donna Douglas, Former County Board Member, Hidden Valleys of Southwest Wisconsin, ATV user & promoter, Green County Tourism:** Douglas said that she and Mike Doyle were instrumental in the County Board decision to finance the rail rehabilitation many years ago, and they are very proud of this. But now, she said that she is concerned – she is heavily involved in tourism, and ATV has given these communities a great economic boost. She asked whether the PRTC had current statistics to base their decision on the future of rail use that is proposed. Have they explored possibility of coexistence. Do they have funding for this project in the state budget. If benefits are only for WSOR- she asks that PRTC reconsiders their decision.
- **Paul McCarville, President of an Iowa County Snowmobile Club:** McCarville said that he has probably been involved in trail more than any other person in the room. A lot of healthy relationships have developed between trail groups. If the railroad will bring jobs and taxes to the community, bring it on because they sure do need it. But, he added, if it won't then lets not do it.
- **Rob McConnell, Wisconsin ATV Association:** McConnell said that many ATV users contribute a large amount of funds to maintain and rehabilitate this trail. Their funds have paid for trailheads and bathrooms, bridge decking, etc. He understands rules of rails to trails are complicated; but they have grants that are pending on parts of the trail system and want to know the long-range plans of the trail because they are spending a lot of money on the trail right now. This is the only ATV system in southern Wisconsin.
- **Don Noble, Monroe ATV Club and Trail Boss of Green County Club:** Noble said that he is out two days a week cleaning the trail. He hopes that PRTC can reconsider something on this- if the railroad can prove that money will come in resulting from this rehabilitation, then he wouldn't have much to say. Noble then presented a petition for PRTC to keep the trail with over 600 signatures.
- **Robert Voegel, President of the ATV Club:** Voegel pointed out that this rail is also used by dirt bikes and offered that he will take anyone on the trail that would like to see it. He thanked the Commissioners that have traveled the trail with him.
- **Wade Wittenwyler, Citizen:** Wittenwyler stated that the trail was created to preserve the rail, and that people should not forget that.

## 7. Correspondence & Communications – None

### REPORTS & COMMISSION BUSINESS

#### 8. PRTC Financial Report – *Oscar Olson, PRTC Treasurer*

- **Motion approving Treasurer's Report-** *Anderson / Sweeney / passed unanimously*
- **Motion approving payment of bills-** *Dorscheide / Wiegel / passed unanimously*

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

*Monthly maintenance activities* – WSOR has been working on a number of bridge projects, they have been able to repair more bridges as more funding has been made available. They have repaired a substantial bridge over the Wisconsin River in Spring Green. There currently is a bridge out in Whitewater in Walworth County- they have been working on it for 60 days now. They are building a completely new bridge- one that the community finds aesthetically pleasing. WSOR will dismantle the old bridge once the new bridge is completed. They recently completed a bridge repair in Cross Plains. WSOR has rebuilt three bridges between Monroe and Janesville- problematic 100 year old bridges. They did a spot replacement of ties along Monroe subdivision- about 100 of them. WSOR had some rail in some places that has gone out of gauge. They did 10 miles in last two months on they Subdivision, raising the surface. Gauge goes out because of demands of rail traffic. Additionally, WSOR has a sky trimmer out cutting out overhead trees.

*Update on Traffic / Business Development:* Lucht reported that the current economic situation is affecting everybody right now, including WSOR. Rail traffic system wide is down relative to last year. They do have a number of opportunities before them. Looks like the traffic is climbing back out of a hole- positives at national and local level. Currently WSOR is in conversation with 16 new businesses that would like to build facilities near an active rail corridor but currently do not have businesses here. They each have made some type of confirmation that they will be building. Some are near Janesville. In past couple of months WSOR has had a customer build near Zenda. They are trying to supplement the traffic that they have lost because of national circumstances. WSOR has had cutbacks

in most all commodity levels, but others are doing well, such as steel. They also have a short list of industries that have been calling to ask about rates, etc.. Over 20 businesses in this category.

*Consideration / Action on 2009 Capital Project (Monroe to Janesville Tie Project):* Recently, WisDOT awarded WSOR with a \$4mil grant to provide upgrades between Monroe and Janesville. Conversation came up whether the Green County contribution going to go to this project or a WRRTC project. For 2009 PRTC's contribution is \$25,500 – WRRTC is dedicating over \$200,000 to the Madison-Milton project.

- **Motion to put PRTC (Green County Contribution) money toward this project rather than toward WRRTC's project - Olson / Wolter / passed unanimously.**

*Update on 2010 Capital Projects System-wide:* Lucht reported that DOT schedule for submission of projects is: Feb 1 they are due, and awards are made in June / July awards are made. WSOR planned applications include: Madison – Milton, Phase 2, Milwaukee to Slinger project, Monroe Mainline extension project, Other Bridge structures. WSOR is asking that County contributions be the same in 2010 as they are in 2009 (not any more).

*Update on rail extension project, Monroe West:* Lucht presented the “preferred alternative” -an engineering plan to expand rail capacity west of the City of Monroe. Lucht reported that for the past two years, the WSOR and PRTC have known about capacity issues in Green County and in particular the City of Monroe. WSOR's rail traffic has increased substantially (400%) since 2002. And, WSOR anticipates rail traffic will increase 30% more by 2015 based upon existing customer base projections and future new business opportunities. WSOR's customer base is growing in Green County and car loadings are increasing. Lucht stated that typically when railroads want to expand capacity, they first look at rural areas that present the least amount of impact to area residents and businesses. And, this is what this plan does exactly. The preferred alternative will provide additional rail capacity to WSOR for “staging” and “assembly” of trains while serving our customer base here in Green County. Lucht further stated, this capacity will NOT be used for storage of rail cars. Lucht reported that due to community concerns, the WSOR did take a hard look at an alternative “mini yard” within the city limits. The mini yard alternative would have included 3 parallel tracks including an extension of the main line west past Honey Creek. The alternative would have included reconstruction of 4<sup>th</sup> Avenue, Bethel Road & Honey Creek Road, including the retrofit of the existing structure over Honey Creek. It would have also required turnouts to be installed in the curve east of Patterson Road. The alternative was rendered insufficient because it compromised generally-accepted railway engineering standards and it would have introduced a new level of adverse community impacts such as crossing blockages and train noise next to a residential area.

The preferred alternative includes extending the main line approx. 2.5 miles to Steiner Road, west of Monroe. Between Steiner and Patterson road will be a passing track on the northside of the mainline to serve as a “staging and train assembly” area. Any and all improvements to structures, culverts & crossings will require permits through the DNR. The WSOR has offered no more than 15 feet of its southerly right of way between Steiner Road and 4<sup>th</sup> Avenue to accommodate a recreational trail. It was stated by Ben Meighan (WSOR) that some fill from the rail project could be used to build and realign a proposed recreational trail.

Lucht concluded that there are tremendous economic, environmental & quality of life benefits of this project. The project will reduce the frequency of interruptions and noise at local rail crossings in the city of Monroe. Project will also reduce the amount of trips WSOR locomotives are taking between Janesville and Monroe, thereby reducing our carbon footprint in the community. And, Lucht reported, that this project will reduce the frequency of deterioration to the existing rail system between Monroe and Janesville. This project will also greatly improve service to our customer base in Green County. Lucht was available for questions.

Frank Huntington from WisDOT said that if WisDOT participates in funding of this project, they will also consider funding the trail relocation as part of the rail project. They are not sure at this time what type of costs will be incurred by trail construction.

**10. Review of Rails-to-Trails Law and Requirements— Eileen Brownlee (PRTC Legal Counsel)**

Brownlee provided a handout. She reported that one of the things that the Commission discussed a bit at the July meeting was the Commission's legal obligations and the Rail-to-Trail Law. The memo she provided gives a synopsis and brief history of where the Commission is today- that when rail came out and corridor was no longer used for rail purposes one of two things could have happened- 1) that the Commission could find someone to put in an interim trail, ("emphasis on interim"), or 2) that the corridor would be dissolved. This Commission does not own a good title to the corridor, some is owned, some is held under rail road deeds. If the corridor is no longer used for rail to trail, it stops being held for corridor - it reverts to the original land owner. The choice is not between rail or trail, it is between rail and nothing. The law sought to respond to the loss of land to reclaimed landowners and allowed temporary use of this property, under two conditions 1) whomever uses it must be financially responsible, 2) whomever uses it must give it back on 6 mos. notice). The Tri-County Trail Commission said they would do these two things. Had they not agreed to this, there may never have been a trail, or the trail would have been created in some other way.

Brownlee continued- when the rail-to-trails went into play, some landowners were upset that it deprived them of their property. The commission was sued four or five times by many people. It was litigated in State Court and in federal court, the rails to trails law was upheld at that time. Some organizations in other parts of the country have deeded away some rail corridors or entered into 99 year leases, they were sued by surrounding land owners- courts and Surface Transportation Board (STB) have agreed with these land owners, if you get rid of some corridor pieces, you don't have a corridor and your rail to trail agreement is revoked.

Contrary to a lot of people's expectations- rail is making a comeback and interim trail uses are starting to switch back to rail use.

If this commission decides that it doesn't want the rail here Brownlee thinks that the surface transportation board will say they are no longer rail banking this land and the land becomes lost to rail and trail both.

**11. Allow Tri-County Trail Commission to continue to use the PRTC property between milepost 44.5 & 49 until such time as WSOR receives funding for the project. – Kubly**

- **Motion to allow Tri-County Trail Commission to continue to use the PRTC property between milepost 44.5 & 49 until such time as WSOR receives funding for the project - Gant / Anderson**
- **Motion to change the wording as follows: Allow Tri-County Trail Commission to continue to use the PRTC property between milepost 44.5 & 49 with the Tri-County Trail Commission continuing financial responsibility of the trail, until there is resolution of funding for the project - Sweeney / Kuznacic - passed unanimously**

Jerry Guth asked that since trail use is terminated in Feb- does this mean that the ROW automatically goes to rail? Brownlee responded that the current operating agreement will need to be reviewed. If that is the case, the railroad will have to replace trail group as financially responsible group. If project were to fail for whatever reason, the commission could look at rescinding the resolution.

**12. PRTC Administrator's Report – Amy Seeboth, SWWRPC Trans. Planning Program Manager / PRTC Admin.- No update other than what is included in the Agenda.**

Review Upcoming Meeting Dates – Commission suggested that the meeting in April should be held in May because of county board elections so that appointments are made and asked that Seeboth come up with some possible dates.

Seeboth next updated the Commission on RR15 meetings- saying that there is no support to move ahead with this project at this time and the idea may be revisited at a later day if support develops.

**13. WisDOT – Frank Huntington, WisDOT, reiterated what he had mentioned before, that 1) WisDOT will consider funding a coexisting trail development as part of any rail rehabilitation from Monroe west, if that project is funded**

by WisDOT, 2) He also agreed with Brownlee per her presentation on the potential implications of the Rails-to-Trails Law and responsibilities of the PRTC.

**14. Commission / Village of Browntown property line and barrier blocks update – Olson**

John Schmidt, Village President of Browntown, spoke, saying that Browntown has rented the land and they would like the blocks removed before snow season starts so that snow can be moved off of the street. The Village does not want to purchase them. The blocks currently rest in an area is a place of major snow removal. There are 24 blocks in question. It cost the PRTC \$2400 to put them in, this was mostly the cost of transporting them. Olson asked if the folks wanted them back, the Green County Hwy Commissioner said he could move them for \$400 minimum, he also said he would give them \$150 and there would be no removal charge and no worries about liability. Gant also said that he brought them up to the Tri-County Trail Commission, who said there is a use for them, and they could remove them at no cost to the PRTC, but could not pay for them; they would not allow PRTC any liability.

- ***A motion was made to give blocks to the Tri-County Trail Commission if they will assume the liability and move them at no cost to PRTC. Wiegl / Mrozinski - Passed unanimously.***

Kubly thanked Green County Clerk, Mike Doyle, for setting PRTC up in the larger meeting room for this meeting.

**15. 3:11 Adjournment – Gant / Thomas / Passed Unanimously**