

PECATONICA RAIL TRANSIT COMMISSION

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

ADOPTED MINUTES

Pecatonica Rail Transit Commission

1:00pm • Friday, July 23 2010 • Green Co. Courthouse, Cnty Board Mtg Rm, 1016 16th 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 | | | | Philip Mrozinski | | X |
| Lafayette | Leon Wolfe | | X | Rock | Ben Coopman | Alternate | |
| | Patrick Shea | 1 st Vice Chair | X | | Wayne Gustina | | X |
| | Gerald Heimann | Alternate | X | | Alan Sweeney | 2 nd Vice Chair | X |
| | Ted Wiegel | | X | | Terry Thomas | | X |

Others present for all or part of the meeting: Ken Lucht (WSOR), Jerry Guth (Green County Board), Frank Huntington (WDOT), Bob Voegel (Tri-County Trail Commission), Eileen Brownlee (PRTC Legal Counsel), Amy Seeboth (PRTC Administrator).

3. **Certification of Public Notice** – Seeboth, PRTC Administrator
4. **Motion accepting the Agenda, prepared by Seeboth** – a change was noted- start time should be 1pm - Anderson / Gustina - passed unanimously.
5. **Motion approving the draft January Minutes** - Mrozinski / Dorscheid - passed unanimously.
6. **Public Comment** - None
7. **Correspondence & Communications** – None

REPORTS & COMMISSION BUSINESS

8. **PRTC Financial Report** – Oscar Olson, PRTC Treasurer
 - **Motion approving Treasurer’s Report & Payment of Bills-** Sweeney / Dorscheid - passed unanimously
9. **Wisconsin & Southern Railroad’s Report on Operations** – Ken Lucht, WSOR

Monthly maintenance activities – Lucht reported that WSOR has now completed brush cutting on the Monroe Subdivision between Janesville and Monroe. He said that there is a bridge out of service at milepost 13 between Janesville and Hanover at this time; WSOR is replacing a tie on top of the bridge. They are putting the bridge back in service as trains need to pass. They had a major washout on the Reedsburg Subdivision near Devils Lake, and it is too early to know what the results are of the rain received in the past few days. Lucht said WSOR thinks there is some damage from it. They have had the rail detector test car out, not on Monroe Sub yet (it will be on that Sub this fall) and at that time he will report to the Commission on any defects found. WSOR is working on tie replacements as part of their maintenance programs and currently are working on this at Elkhart Lake.

Update on 2009 & 2010 Capital Projects – WSOR is working to install ties between Monroe and Janesville, and have installed 15,000 so far, that is a 1,200 daily installation rate. They expect to complete this project in the next couple of weeks. They just ended west of Broadhead. They are also working on a welded rail project between Milton Junction and Madison- they will start installing it on the 2nd of August. They have purchased a second welded rail train for this and hope to have this entire Sub completed with new welded rail in next couple of years. WSOR just got a WDOT grant agreement signed for completion of work in rebuilding the crossing and switches between Milwaukee and Slinger. As for 2010 WSOR has applied for four projects, but have not yet heard which will be funded. WSOR is hiring right now, traffic is rebounding (but not yet near 2008 levels). Traffic was up 10% this year from last. WSOR had to lay off about 25% of workforce 18 months ago and now trying to rehire to make up this

difference again. WSOR has had cut service on the Monroe Sub. back to two days a week due to the economy. Over past couple of months, however, they have had enough demand to bump it back up to three days- Tues, Thurs. and Sunday.

10. **PRTC Administrator's Report**– Amy Seeboth, SWWRPC Trans. Planning Program Manager / PRTC Admin., announced that her organization, Southwestern Wisconsin Regional Planning Commission is holding their 40th anniversary/annual dinner next week and all Commissioners are invited to attend.
11. **WisDOT** – Frank Huntington, WisDOT, reported that WDOT is in the process of reviewing project applications that they received. They have \$30 million in funds to allocate for acquisition and rehab projects throughout the state, and have received 60 million worth of applications.
12. **Tri-County Trail Commission Update**- Seeboth updated the Commission on a question of the Tri-County Trail Commission where a property owner in Browntown appeared to be developing on trail property. When notified, the property owner said he would take care to not encroach. Brownlee, PRTC legal counsel, said that this is a case where proof of property is on the other property owner, and generally, in Browntown, the corridor is 50' within the municipal boundaries, and 100' wide outside of the municipal boundaries. Commissioner Wolfe provided an update on the economic impact study being conducted on the Cheese Country Trail. The UW-Extension and ATV groups are taking a lead on surveying the use and economic impact of the Cheese Country Trail. Jerry Guth added that it the surveying will be driven by volunteers and he has spoken with the National Honors Society to do the data input as part of their community service work. They hope to accomplish three things by the study- 1) measuring fiscal impact, 2) learning what improvements could be made, and 3) learning what type of development opportunities could arise from this. Commissioner Heimann reported that there was a major washout on bridge 56 on the Belmont Line, and it cost \$5,100 to fix the bridge. They also worked on replacing gravel along the trail. This year the TCTC received \$2,100 from the ATV groups, \$1,600 from the snowmobile group (via the DNR), and \$5,000 from the PRTC for fencing, Heimann thanked the Commission for their funding.
13. **Concurrence with Rock County's application for "TIGER II" funding for 2010 funding cycle for "shovel ready" WSOR projects in Dane, Rock & Walworth Counties.** Lucht presented to the Commission on the WSOR / Rock County application to the federal government for TIGER II funding, the application requests funds for a series of rail projects that were previously submitted to the State. Lucht asked that the Commission support this application, with no match requirement. Chairman Kubly thanked Rock County for taking the lead on this application.
 - **Motion to support Rock County / WSOR's TIGER II application** – *Dorscheid / Wolfe - passed unanimously*
14. **Update on Comfort Station** - Seeboth reported that in a follow-up on the Comfort Station in Darlington, WI, Brownless spoke with Bill McDaniel about this recently and he said that they had forgotten about the fact a lease was needed to continue to site their building on RTC land. He said that he will respond to the lease that he was provided by Brownlee back in January.
15. **Weberpal III LLC Private Crossing request, Janesville, WI**- Seeboth explained on behalf of the applicant that this request is being made outside of the City. The applicant would like to place their lands in the DNR Wetlands Reserve Program. Once enrolled, the land will be permanently deed-restricted and the crossing will only ever be used for occasional agricultural and hunting uses. There are no other access points to this land.
 - **Motion approving a private crossing for Weberpall III LLC, requiring the crossing to be brought up to the current WSOR crossing standards at the expense of the applicant** – *Sweeney / Anderson – passed unanimously*
16. **Consideration of Rescinding Resolution to Terminate The Interim Trail Use/Rail Banking Agreement By And Between The Pecatonica Rail Transit Commission And The Tri-County Trail Commission As To That Portion Of The Transit Commission Property Located Between Milepost 44.5 And Milepost 49 adopted on July, 2009, and to rescind notice requiring the Tri-County Trail Commission to vacate aforesaid land.**

Brownlee provided the following background on this item: about one year ago WSOR informed the Commission that it wanted to reinstall rail service west of Monroe. Per the rail to trail-to-trail lease agreement, the Commission voted to terminate a portion of the agreement per this WSOR request. In May of 2010, WSOR announced that there is no rail restoration being requested this time. Brownlee advised that given this change, a resolution should be passed to rescind that prior resolution. Leaving the resolution in place could result in responsibility of trail being brought back to this Commission and cut funding for the Green County ATC Club as funding goes by mile. Lucht said that WSOR is still planning on revisiting this issue this fall and he would not like to see the Commission rescind this today. Brownlee said that the only way the Commission should extend the agreement is if WSOR provides a written

agreement that WSOR will begin construction at a set date. Brownlee pointed out that all of the Commissioners have the legal duty to vote in favor of the WSOR request should it arise again. She said if the Commission votes no to this request in future, WSOR could go to the Surface Transportation Board and demand that the Commission vote yes, fining them \$1000 for every day they do not do this. Lucht suggested that WSOR add these miles to their current operating agreement and they would be ready to do it by 6 months out. Brownlee said this could be done by the next meeting. Anderson said that if that were to happen, the Trail Commission could no longer use it, it would be taken out of rails to trails and the DNR wouldn't fund it anymore.

- **Motion to Rescind the Resolution to Terminate The Interim Trail Use/Rail Banking Agreement By And Between The Pecatonica Rail Transit Commission And The Tri-County Trail Commission As To That Portion Of The Transit Commission Property Located Between Milepost 44.5 And Milepost 49 adopted on July, 2009, and to rescind notice requiring the Tri-County Trail Commission to vacate aforesaid land – Shea / Olson – roll call vote:**

| <i>Commissioner</i> | | <i>Position</i> | <i>Yes/no</i> | <i>Commissioner</i> | | <i>Position</i> | <i>Yes/no</i> |
|---------------------|-----------------------|----------------------------------|---------------|---------------------|-------------------------|----------------------------------|---------------|
| <i>Green</i> | <i>Harvey Kubly</i> | <i>Chair</i> | <i>Y</i> | <i>Iowa</i> | <i>Charles Anderson</i> | <i>Secretary</i> | <i>Y</i> |
| | <i>Oscar Olson</i> | <i>Treasurer</i> | <i>Y</i> | | <i>Jerry Dorscheid</i> | | <i>N</i> |
| | <i>Ron Wolter</i> | | | | <i>Philip Mrozinski</i> | | <i>N</i> |
| <i>Lafayette</i> | <i>Leon Wolfe</i> | | <i>Y</i> | <i>Rock</i> | <i>Ben Coopman</i> | <i>Alternate</i> | |
| | <i>Patrick Shea</i> | <i>1st Vice Chair</i> | <i>Y</i> | | <i>Wayne Gustina</i> | | <i>N</i> |
| | <i>Gerald Heimann</i> | <i>Alternate</i> | <i>Y</i> | | <i>Alan Sweeney</i> | <i>2nd Vice Chair</i> | <i>N</i> |
| | <i>Ted Wiegel</i> | | <i>Y</i> | | <i>Terry Thomas</i> | | <i>N</i> |

- **Simple Majority (7 / 5) – Motion passes**

Chairman Kubly introduced the newest PRTC Commissioner- Wayne Gustina, who is a Rock County Supervisor and a former railroad engineer.

17. 2:44 Adjournment – Gustina / Thomas - passed unanimously