

**WRRTC AUGUST 4, 2023 MEETING MINUTES – DRAFT FOR APPROVAL**

**Wisconsin River Rail Transit Commission  
Commission Meeting – Friday, August 4, 2023 at 10:00 am  
Hill Farms State Office Building – Madison, WI**

1. 10:00 AM           **Call to Order – Alan Sweeney, Chair**
2. Roll Call.           **Establishment of Quorum – Misty Molzof, Admin**

|          |  |                |           |  |                |
|----------|--|----------------|-----------|--|----------------|
| Crawford | Carl Orr, <i>2<sup>nd</sup> Vice Chair</i>         | X              | Jefferson | Mary Roberts   | <i>Excused</i> |
|          | Mark Gilberts                                      | X              |           | John Kannard, <i>Vice Secretary</i>                  | X              |
|          | Tom Cornford                                       | <i>Excused</i> |           | Kathy Bahner   | X              |
|          |  |                |           | Jeff Smith, <i>Alternate</i>                         | X              |
| Dane     | Kevin Potter                                       | X              | Rock      | Russ Podzilni  | <i>Excused</i> |
|          | Jeff Huttenburg, <i>Treasurer</i>                  | X              |           | Tom Brien  | X              |
|          | Jim Bolitho  | X              |           | Alan Sweeney, <i>Chair</i>                           | X              |
| Grant    | Gary Ranum   | X              | Sauk      | Brian Peper  | <i>Excused</i> |
|          | Mike Lieurance                                     | X              |           | Gaile Burchill, <i>2<sup>nd</sup> Vice Treasurer</i> | X              |
|          | Robert Scallon, <i>1<sup>st</sup> Vice Chair</i>   | X              |           | Marty Krueger  | X              |
|          |  |                |           | Tim McCumber, <i>Alternate</i>                       | X              |
| Green    | Harvey Kubly, <i>1<sup>st</sup> Vice Treasurer</i> | X              | Walworth  | Al Stanek  | <i>Excused</i> |
|          | Todd Larson  | X              |           | Richard Kuhnke, <i>2<sup>nd</sup> Vice Secretary</i> | <i>Excused</i> |
|          | Kurt Schafer                                       | X              |           | Allan Polyock  | X              |
| Iowa     | Charles Anderson, <i>Secretary</i>                 | X              | Waukesha  | Dick Mace, <i>3<sup>rd</sup> Vice Treasurer</i>      | X              |
|          | Kate Reimann                                       | X              |           | Richard Morris                                       | X              |
|          | Kevin Peterson                                     | <i>Excused</i> |           | Karl Nilson  | <i>Excused</i> |

Commission met quorum.

**Others present for all or some of the meeting:**

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Misty Molzof, SWWRPC</li> <li>• Attorney Eileen Brownlee</li> <li>• Rich Kedzior, WisDOT</li> <li>• Ken Lucht &amp; Roger Schaalma, WSOR</li> <li>• Don Vruwink, Commissioner of Railroads</li> <li>• Sara Rigelman, WisDNR</li> </ul> | <ul style="list-style-type: none"> <li>• Mike Halsted, WisDOT, Harbors and Waterways Program Mngr.</li> <li>• Alan Anderson, Pink Lady RTC</li> <li>• Mark Opitz, City of Middleton Planner</li> <li>• Bryce Zimer, Sauk County</li> <li>• Francis Schelfhout, WisDOT (Virtual)</li> </ul> |
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3. Action Item.           **Certification of Meeting’s Public Notice – Noticed by Molzof.**
  - *Motion to approve meeting’s public notice – Kannard/Smith. Passed Unanimously.*
4. Action Item.           **Approval of Agenda – Prepared by Molzof.**
  - *Motion to approve the agenda. Morris/Scallon. – Passed Unanimously.*
5. Action Item.           **Approval of draft July 7, 2023 Meeting Minutes – Prepared by Molzof.**
  - *Motion to approve the July 7, 2023 meeting minutes as presented. Mace/Anderson. Passed Unanimously.*
6. Updates.               **Public Comment – Time for public comment may be limited by the Chair.**

Mark Opitz, City of Middleton Planner and Zoning Administrator, statement emailed and read as follows: “On July 27, city staff received a report that the railroad operator and/or a contractor had earlier in the day removed the concrete sidewalk that the city had paid to install in the 1980s. This action was taken despite the fact that Circuit Court Judge Frank D. Remington had concluded on July 12, 2021, that the crossing retained its public crossing status, and despite the fact that OCR’s docket pertaining to this matter indicates that it has not made a decision following a hearing it held in July of last year. It seems highly irregular that railroad officials would take matters into their own hands and unilaterally close and remove a public crossing without OCR approval, unless they plan to put the crossing back. However, it is clear that WSOR has no intention of doing so. Just as a local unit of government cannot just go ahead and put in a railroad crossing, neither can the railroad take action to make changes to existing crossings per Section 195.29 of Wisconsin Statutes. There had been no material changes to the status or use or safety of the crossing over the past year until its removal last week. Frankly, the railroad’s action last week has left city officials flabbergasted. In closing, to our knowledge, today’s meeting agenda is the first time that the Aurora Street crossing is specifically listed as its own discussion and action item. Why now, after the railroad operator has taken the action that it did? I would appreciate a response to this question when you get to Agenda Item #14.”

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### 7. Updates. **Announcements by Commissioners**

Marty Krueger - the TAP grant application submitted for the Wisconsin River Recreational Bridge was successful and the award amount is a little over \$5.5 million. With this award, there are sufficient funds to cover the project, and are planning an opening date of October-November, 2024. Kate Reimann – in reference to last month's minutes and conversation regarding trespassing in the Village of Arena during the 4<sup>th</sup> of July festivities, Ken Lucht from WSOR, the Village, and Village police met and have been working together to resolve the issue with signage and enforcement. Reimann thanked Ken for his time and efforts on this.

Dick Mace – informed commission that this August 4<sup>th</sup> meeting will be his last as a Waukesha County Commissioner as he is moving to Dane County and will no longer be able to serve.

Harvey Kubly – informed the commission of the passing of Oscar Olson who served on Green County Board, the PRTC, the SCWRTC, and the WRRTC over the years.

### REPORTS & COMMISSION BUSINESS

#### 8. **WRRTC Financial Report – Huttenburg, Treasurer**

- *Motion to approve the Treasurer's Report as presented. No invoices for payment. Anderson/Orr. Passed Unanimously.*

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

Lucht reported that the routine brush cutting and weed control is in process on 300 miles of rail; the rail detector test car has been performing inspections and have found no internal defects on the tested welded rail; 700 new ties per mile have been installed, and ballast and surfacing behind the new ties has been done, between milepost 81 and 91 on the Fox Lake Sub in Walworth County; the new 15,000 sq ft, \$5.5 million, locomotive shop is well underway, should be done in Spring of 2024, will have two tracks to manage all 43 locomotives of the fleet, and the project was funded 100% through WSOR as a commitment to the future of WSOR, its employees, and customers; freight railroad day is scheduled for Thursday, October 19<sup>th</sup> and registration is open now to those who wish to attend; the capital project update packet will be ready for presentation in the near future and includes 700 miles of track, 3 new subs that started operating last year: Eden, DBR to West Bend, and Milwaukee to Saukville; the United Coop in Boscobel shovel grain train project is well underway, it takes four minutes to load one rail car with 3,500 bushels, every unit train is 110 cars, and their destination is Texas; and the Prairie Sub rail replacement is well underway replacing the 90 lb. jointed rail with 115 lb. welded and the next phase will be 80' sticks of 115 lb. welded rail in the field next summer; the west end (between Boscobel and Wauzeka and from Avoca to Crawford County) tie conditions have been inspected and exceed FRA standards. Schaalma stated that the 1<sup>st</sup> three miles of welded rail are in the track and the rest should be in place late August or early September along with the 7,000 additional ties as part of the project; and WSOR will continue to do 600-800 ties per mile projects to preserve the rail throughout the system.

Mace – does United Coop have plans to add internal storage? Lucht – yes.

Bolitho – FRA safety standards are not the same as maintenance standards; a good tie and surface program keeps the rail in good condition and safe; the investment should realize its full potential; and he is happy that the new ties will be installed.

Kubly – is there activity between Sauk City and Mazomanie? Lucht – this section is for storage only as there are no businesses along that line.

Polyock – was there an incident on the east side of Janesville this week? Schaalma – not aware of anything.

Huttenburg – when will the car load and financial reports be ready? Lucht – they are complete just waiting to schedule time to review with Stern.

#### 10. **WisDOT Report – Mike Halsted, WisDOT, Harbors and Waterways Program Manager.**

Halsted stated that the DeLong facility on Jones Island in Milwaukee is in operation; dry distillers' grain (DDG) from four ethanol plants has been loaded and the 1<sup>st</sup> vessel shipped out to Europe. This is a dynamic project and Halstad will email the presentation and video to Molzof so she can forward to commissioners.

#### 11. **WRRTC Correspondence/Communications and Administrator's Report – Molzof, Admin.**

Molzof reported is planning on attending the Pink Lady Rail Transit Commission meeting next week, is working with GIS staff at SWWRPC to finalize some railroad maps that have been in process, has been corresponding with WSOR and realtors on a potential private crossing for some land for sale in Juda off of County Road KS, and is currently working with Dane County Land Records to determine ownership of a piece of property outside of Cross Plains that is a potential crossing to be closed. Over the next couple of months, Molzof will work on familiarizing herself with existing crossing permits, the crossing permit guidance and future policy, and our partnership with WSOR on such crossings.

#### 12. **Merrimac Bridge – Rich Kedzior, WisDOT**

Kedzior reported that sections 4, 5, and 6 have been swapped out on the Merrimac Bridge and a new span gets replaced every week, there will be a presentation on August 10<sup>th</sup> between 10 and 11 am regarding the status of the bridge along with an opportunity to view the work being done; and the annual railroad conference is scheduled for November 7<sup>th</sup>.

#### 13. **Great Sauk State Trail Extension through Goette Road Shared Use Agreement (Rails with Trails). Marty Krueger**

- *Commission has reviewed the shared use agreement as presented. Burchill/Larson. Passed Unanimously.*

Krueger stated that the trail permit has been negotiated with WSOR; the group has made a \$845,000 commitment to the Merrimac Bridge; the Wisconsin River Recreational Bridge will be the connection from the Walking Iron Trail to Dane County; progress is being made on the extension of segment two for closer access to Devil's Lake that will be built by the highway department, was engineered with collaboration of the UW-Platteville

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Senior Design Engineering, this will be Rails with Trails, not Rails to Trails, where a fence will be installed to try to keep trespassing to a minimum; and the group is looking for commission concurrence with the agreement.

### 14. **Aurora Street Crossing, Middleton, WI.** *Attorney Brownlee*

Brownlee stated that this is an agenda item because of the public comment at the last meeting; the case is currently pending before the Office of Commissioner of Railroads (OCR); the circuit court make it clear that it was making no determination; and while things are in litigation, everyone is doing what they are doing at their own risk. Since the status of the crossing is up in the air until the OCR makes it determination, the Commission will not make any decisions or hold any discussion. If the OCR determines the crossing is public, nothing more will come before the Commission; and if the OCR determines the crossing is private, the Commission will need to take action on any permitting or agreements. Commissioner Vruwink stepped out of the meeting during this agenda item.

### 15. **Permit requests, if any – None.**

### 16. **Adjournment.**

- *Motion to Adjourn at 11:10 am. Kannard/Polyock. Passed Unanimously.*